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L A W S

OF THE

C O M M O N W E A L T H

OF

P E N N S Y L V A N I A ,

111

FROM THE FOURTEENTH DAY OF OCTOBER, ONE THOUSAND  
SEVEN HUNDRED, TO THE TWENTIETH DAY OF MARCH,  
ONE THOUSAND EIGHT HUNDRED AND TEN.

Republished,

UNDER THE AUTHORITY OF THE LEGISLATURE.

WITH

NOTES AND REFERENCES.

IN FOUR VOLUMES.

VOL. III.

PHILADELPHIA:

PRINTED AND PUBLISHED BY JOHN BIOREN, NO. 88, CHESNUT-STREET.

1810.



# L A W S

-OF-

## P E N N S Y L V A N I A,

*REPEALED, OBSOLETE, AND EXPIRED,*

- 9/6/27 Chivers 34199 175 Darlington - bdy
- A. D. 1791. CHAPTER 1512. An act for transferring certain powers, exercised by the late president and supreme executive council, to the governor of this commonwealth : passed 14th January, 1791 ; recorded in law book No. IV. page 127 ; expired.
1513. An act to empower the governor to grant a patent to Big-Tree, a Seneca chief, for a certain island in the Allegheny river : passed 29th January, 1791 ; recorded in law book No. IV. page 130 ; private act ; obsolete.
1514. An act for granting eight hundred dollars to Corn-Planter, Half-Town and Big Tree, Seneca chiefs, in trust for the Seneca nation, and for other purposes therein mentioned : passed 1st February, 1791 ; recorded in law book No. IV. page 128 ; private act ; obsolete.
1516. An act for providing payment to Doctor Francis Allison, and others, for supplies furnished in the year one thousand seven hundred and seventy-five : passed 18th February, 1791 ; recorded in law book No. IV. page 134 ; private act ; obsolete.
1522. An act to provide for the election of representatives of the people of this state in the congress of the United States : passed 16th March, 1791 ; recorded in law book No. IV. page 136 ; repealed.
1524. An act to provide for the temporary defence of the frontiers of this commonwealth : passed 17th March, 1791 ; recorded in law book No. IV. page 138 ; obsolete.
1525. An act to compensate Robert King : passed 21st March, 1791 ; recorded in law book No. IV. page 139 ; private act ; obsolete.
1526. A supplement to an act for providing payment to Doctor Francis Allison and others, for supplies furnished in the year one thousand seven hundred and seventy five : passed 21st March, 1791 ; recorded in law book No. IV. page 140 ; private act ; obsolete.
1527. An act to suspend, for a limited time, the powers of the commissioners of the several counties within this commonwealth to make sale of unseated lands, for non-payment of taxes : passed 24th March, 1791 ; recorded in law book No. IV. page 154 ; expired.
1529. An act to enable the directors of the library company of Philadelphia, to convey and assure the lot of ground therein mentioned : passed 30th March, 1791 ; recorded in law book No. IV. page 142 ; private act.
1531. An act authorizing and directing the state treasurer to subscribe in the name of the commonwealth, to the loan proposed by the United States, and for other purposes therein mentioned : passed 30th March, 1791 ; recorded in law book No. IV. page 148 ; obsolete.
1534. An act to suspend, for the time therein mentioned, part of an act, entitled "An act for furnishing the quota of this state towards paying the annual interest of the debts of the United States, and for funding and paying the interest of the public debts of this State : " passed 6th April, 1791 ; recorded in law book No. IV. page 154 ; expired.



A. D.

1791. CHAP. 1535. An act repealing so much of the act, entitled "An act for raising and collecting money on the specified articles therein mentioned, for the support of government, and for other purposes therein mentioned," as imposes a tax upon writs issuing out of the county court of common pleas of Philadelphia county: passed 6th of April, 1791; recorded in law book, No. IV. page 155; obsolete.
1537. An act for the relief of Blackall William Ball: passed 6th April, 1791; recorded in law book No. IV. page 158; private act.
1539. An act to enable Eleazer Oswald, guardian, duly appointed, to Jane Jones, Blathwaite Jones, Mary Jones, and Gibbs Jones, minors under the age of twenty one years, to sell and convey the property therein mentioned, for the benefit of the said minors: passed 6th April, 1791; recorded in law book No. IV. page 160; private act; obsolete; see supplement, chap. 1593.
1541. An act for the relief of Abraham Lukens: passed 7th April, 1791; recorded in law book No. IV. page 163; private act; obsolete.
1542. An act for the relief of James Officer; passed 7th April, 1791; recorded in law book No. IV. page 164; private act; obsolete.
1543. An act authorizing the governor to negotiate a loan, for the use of this commonwealth, and appropriating certain funds and revenues for the support of government, and the payment of the public debts: passed 7th April, 1791; recorded in law book No. IV. page 164; obsolete.
1544. A supplement to the act, entitled "An act for the better support of the public credit, by an immediate sale of the lands therein mentioned, and fully securing the purchasers thereof in their titles, and also for preserving the common lands, appurtenant to the city of Philadelphia and other towns in this state, from unwarrantable encroachments:" passed 8th April, 1791; recorded in law book No. IV. page 168; obsolete; see note to chap. 931, vol. I. page 537.
1545. An act to provide payment of certain incidental expenses of the late general assembly of the commonwealth of Pennsylvania, and of the late convention of the same: passed 8th April, 1791; recorded in law book No. IV. page 170; obsolete.
1546. An act to grant five thousand acres of land to the society of the United Brethren, for propagating the gospel among the heathen: passed 9th April, 1791; recorded in law book No. IV. page 172; private act; obsolete.
1547. An act to separate the township of Moyamensing, in the county of Philadelphia, from the city of Philadelphia, the district of Southwark, and the township of the Northern-Liberties, in the said county, for the support and maintenance of their poor in common: passed 9th April, 1791; recorded in law book No. IV. page 174; obsolete.
1548. A supplement to the act, entitled "An act authorizing the governor to negotiate a loan, for the use of this commonwealth, and appropriating certain funds and revenues for the support of government, and the payment of the public debts:" passed 9th April, 1791; recorded in law book No. IV. page 175; obsolete.
1549. An act granting relief to certain creditors of the state, and for repealing part of an act, entitled "An act for furnishing the quota of this state, towards paying the annual interest of the debts of the United States, and for funding and paying the interest of the public debts of this State: passed 9th April, 1791; recorded in law book No. IV. page 175; obsolete.
1551. An act making provision for the discharge of the legislative grants to the late proprietaries of Pennsylvania: passed 9th April, 1791; recorded in law book No. IV. page 179; obsolete.
1552. An act to supply the deficiencies in certain appropriations heretofore made, and for other purposes therein mentioned: passed 15th April, 1791; recorded in law book No. IV. page 182; obsolete.
1553. An act to transfer certain powers, formerly exercised by the supreme executive council, also by the president or vice-president thereof, to the governor of this commonwealth: passed 13th April, 1791; recorded in law book No. IV. page 184; expired.



A. D.

1791. CHAP. 1554. An act for the relief of Philip Peter : passed 13th April, 1791 ; recorded in law book No. IV. page 185 ; private act ; obsolete.
1555. An act for the relief of Robert Cunningham, a prisoner in the gaol of the county of Philadelphia : passed 13th April, 1791 ; recorded in law book No. IV. page 185 ; private act ; obsolete.
1556. An act to authorize the governor to complete the purchase of a certain tract of land, lying between lake Erie and the northern boundary of this commonwealth : passed 13th April, 1791 ; recorded in law book No. IV. page 186.
1557. An act to empower and direct the treasurer of this commonwealth to deposit the certificates of the United States, which are the property of Pennsylvania, in the bank of North-America, and to empower the president and directors of the said bank to receive the interest thereon, for the use of this commonwealth : passed 13th April, 1791 ; recorded in law book No. IV. page 187.
1559. An act to erect the town of Harrisburgh, in the county of Dauphin, into a borough : passed 13th April, 1791 ; recorded in law book No. IV. page 192 ; repealed, and supplied 1st February, 1808.
1560. An act to appoint a commissioner, to superintend the settlement of the accounts of this State with the United States ; passed 13th April, 1791 ; recorded in law book No. IV. page 195 ; office suppressed, chap. 1662.
1561. An act to reduce the expenses of the board of wardens of the port of Philadelphia, and to provide for the payment of a debt contracted by them : passed 13th April, 1791 ; recorded in law book No. IV. page 196 ; obsolete.
1562. A supplement to the act, entitled " An act for securing the city of Philadelphia, and the neighbourhood thereof, from damage by gunpowder : passed 13th April, 1791 ; recorded in law book No. IV. page 198 ; repealed and supplied.
1565. An act giving further time to patent lands claimed under location or warrant, and for extending the right of pre-emption to actual settlers : passed 13th April, 1791 ; recorded in law book No. IV. page 209 ; subsequently extended.
1567. An act affording relief to Dickinson college : passed 30th September, 1791 ; recorded in law book No. IV. page 212 ; private act ; obsolete.
1568. An act for compensating John Vannost for his services in drafting a fee bill : passed 21st September, 1791 ; recorded in law book, No. IV. page 213 ; private act ; obsolete.
1569. An act to continue the act for transferring certain powers, formerly exercised by the supreme executive council, also by the president or vice-president thereof, to the governor of this commonwealth : passed 21st September, 1791 ; recorded in law book, No. IV. page 213 ; expired.
1573. An act to grant restitution in value to Thomas Gordon, for lands sold by the commissioners for sale of forfeited estates, late the property of said Thomas Gordon : passed 27th September, 1791 ; recorded in law book No. IV. page 226 ; private act ; obsolete.
1575. An act for the relief of Mary Harrison : passed 29th September, 1791 ; recorded in law book No. IV. page 232 ; private act ; obsolete.
1576. An act to exonerate Robert Smith and William Richards from the payment of certain monies found due to the commonwealth, by a judgment of court, from the said Robert Smith and William Richards, and from Alexander Boyd : passed 29th Sept'r, 1791 ; recorded in law book No. IV. page 233 ; private act ; obsolete.
1577. An act to enable the governor of this commonwealth to incorporate a company for opening a canal and lock-navigation between the rivers Schuylkill and Susquehanna, by the waters of Tulpehocken, Quittapahilla and Swatara, in the counties of Berks and Dauphin : passed 29th September, 1791 ; recorded in law book No. IV. page 234 ; repealed 2d April, 1811.

A. D.

1791. CHAP. 1578. An act to provide for completing the repairs of the wharf near the state-hospital, and for paving the foot-ways round the state-house square, and for other purposes : passed 30th September, 1791 ; recorded in law book No. IV. page 246 ; obsolete.
1580. An act for the relief of the estate of Sarah Caldwell, and also for the relief of Mary Beere, James Steene, and John Thompson : passed 30th September, 1791 ; recorded in law book No. IV. page 250 ; private act ; obsolete.
1581. A supplement to the act, entitled, " An act for directing the mode of distributing the donation lands promised to the troops of this commonwealth : " passed 30th September, 1791 ; recorded in law book No. IV. page 253 ; obsolete.
1582. An act to provide more effectually for the payment of the public debts and obligations : passed 30th September, 1791 ; recorded in law book No. IV. page 255 ; obsolete.
1583. A supplement to an act, entitled, " An act to repeal so much of any act or acts of assembly of this commonwealth, as directs the payment of the new loan debt, or the interest thereof, beyond the first day of April next, and for other purposes therein mentioned : " passed 30th September, 1791 ; recorded in law book No. IV. obsolete.
1585. An act appointing other commissioners to run the boundary line between the counties of Huntingdon and Mifflin, on the south side of Juniata : passed 30th September, 1791 ; recorded in law book No. IV. obsolete.
1586. An act to reimburse to the mayor, aldermen and citizens of Philadelphia, and to the commissioners of the county of Philadelphia, the expenses accrued in providing for the temporary accommodation of the president and congress of the United States of North America, in the city of Philadelphia, and to enable the governor to make further provision for the accommodation of the said president : passed 30th September, 1791 ; recorded in law book No. IV. page 255 ; obsolete.
1792. 1591. An act to provide for the immediate defence of the frontiers of the commonwealth : passed 20th January, 1792 ; recorded in law book No. IV. page 278 ; obsolete.
1593. A supplement to the act, entitled " An act to enable Eleazer Oswald, guardian, duly appointed, to Jane Jones, Blaithwaite Jones, Mary Jones, and Gibbs Jones, minors, under the age of twenty-one years, to sell and convey the property therein mentioned, for the benefit of said minors : passed 24th January, 1792 ; recorded in law book No. IV. page 280 ; private act ; obsolete.
1596. An act to revive and continue in force, for a limited time, an act entitled " An act to enable aliens to purchase and hold real estates within this commonwealth : " passed 8th March, 1792 ; recorded in law book No. IV. page 287 ; obsolete.
1597. An act to vest in the widow of John Roberts, deceased, and in Abraham Carlisle, the only son of Abraham Carlisle, deceased, respectively, such parts of their forfeited estates as have not been sold for the benefit of the commonwealth : passed 8th March, 1792 ; recorded in law book No. IV. page 287 ; private act ; obsolete.
1598. An act to extend the time for patenting lands : passed 21st March, 1792 ; recorded in law book No. IV. page 288 ; expired.
1599. An act to continue the act, entitled " An act to continue the act for transferring certain powers, formerly exercised by the supreme executive council, also by the president or vice-president thereof, to the governor of this commonwealth : passed 28th March, 1792 ; recorded in law book No. IV. page 294 ; expired.
1600. An act to continue the act for instituting a board of property, and for other purposes therein mentioned : passed 28th March, 1792 ; recorded in law book No. IV. page 295 ; expired.
1609. An act to authorize the register-general and comptroller general to adjust and settle the accounts of John Wetzel : passed 3d April, 1792 ; recorded in law book No. IV. page 314 ; private act ; obsolete.

A. D.

1792. CHAP. 1611. A supplement to the several acts for raising county rates and levies: passed 3d April, 1792; recorded in law book No. IV. page 316; repealed.
1615. An act to vest in Christopher Zimmerman and David Sower, in trust for the use of all and every the legal representatives of Christopher Sower, deceased, such parts of his forfeited estate, as have not been sold for the benefit of the commonwealth: passed 4th April, 1792; recorded in law book No. IV. page 326; private act; obsolete.
1616. An act to provide for the settlement of public accounts, and for other purposes therein mentioned: passed 4th April, 1792; recorded in law book No. IV. page 327; repealed 30th March, 1811.
1618. An act to empower the governor to draw a warrant on the treasurer of this commonwealth, in favour of Charles Wilson Peale, for the purposes therein mentioned: passed 5th April, 1792; recorded in law book No. IV. page 343; private act; obsolete.
1619. A supplement to the act, entitled "An act authorizing and directing the state treasurer to subscribe, in the name of the commonwealth, to the loan proposed by the United States, and for other purposes therein mentioned:" passed 5th April, 1792; recorded in law book No. IV. page 345; obsolete.
1620. An act for establishing the seal of the high court of errors and appeals: passed 8th March, 1792; recorded in law book No. IV. page 350. (Court abolished, and act obsolete.)
1624. A further supplement to the act, entitled "An act to establish the judicial courts of this commonwealth, in conformity to the alterations and amendments in the constitution:" passed 4th April, 1792; recorded in law book No. IV. page 353; obsolete, and supplied.
1626. A supplement to the several acts of the general assembly of this commonwealth, for distributing the donation lands promised to the troops of this State: passed 6th April, 1791; recorded in law book No. IV. page 345; obsolete.
1627. An act directing the time, places, and manner, of holding elections for representatives of the people of this State in the congress of the United States, and for electors of a president and vice-president of the United States: passed 7th April, 1792; recorded in law book No. IV. page 346; supplied.
1631. An act to provide payment of certain incidental expenses of the late general assembly of the commonwealth of Pennsylvania, and of the late committee of safety: passed 10th April, 1792; recorded in law book No. IV. page 506; obsolete.
1632. An act for the relief of Jane Collins: passed 10th April, 1792; recorded in law book No. IV. page 507; private act; obsolete.
1633. An act for extending the time limited by an act, entitled "A supplement to the act, entitled "An act for directing the mode of distributing the donation lands, promised to the troops of this commonwealth," for receiving applications for lands, in lieu of those which were surveyed and laid out for the officers and soldiers of the Pennsylvania line, in the State of New-York: passed 10th April, 1792; recorded in law book No. IV. page 509; expired.
1635. An act to provide for paying and redeeming certain public debts, and for defraying the expenses of government: passed 10th April, 1792; recorded in law book No. IV. page 517; obsolete.
1636. An act to enable the governor of this commonwealth to incorporate a company, for opening a canal and water communication between the rivers Delaware and Schuylkill, and for other purposes therein mentioned: passed 10th April, 1792; recorded in law book No. IV. page 532; repealed 2d April, 1811.
1637. An act to require of the officers in the different departments of the State, an account of the fees they severally charge in their offices: passed 10th April, 1792; recorded in law book No. V. page 1; obsolete.



A. D.

1793. CHAP. 1638. An act to empower the commissioners of Fayette county to raise a further sum of money, for the purpose of erecting public buildings for the use of the said county: passed 19th January, 1793; recorded in law book No. V. page 25; obsolete.
1642. A supplement to the act, entitled "An act to provide for the paying and redeeming certain public debts, and for defraying the expenses of government:" passed 9th February, 1793; recorded in law book No. V. page 30; obsolete.
1643. An act for the relief of John Alexander, so far as relates to the imprisonment of his person: passed 6th March, 1793; recorded in law book No. V. page 50; private act; obsolete.
1646. An act to authorize trustees to receive, for a limited time, the toll therein mentioned, from travellers and others going over the bridge erected over Conestogoe creek, in Lancaster county, where Martick Forge road crosses the same: passed 6th March, 1793; recorded in law book No. V. page 45; expired.
1651. An act for the relief of the representative of John Hersh: passed 6th March, 1793; recorded in law book No. V. page 42; private act; obsolete.
1652. An act to authorize the commissioners of bankruptcy to proceed in business remaining unfinished under the late bankrupt laws: passed 22d March, 1793; recorded in law book No. V. page 56; expired.
1657. An act to provide for the defence of the frontiers of the commonwealth: passed 3d April, 1793; recorded in law book No. V. page 77; obsolete.
1662. An act to repeal so much of an act, entitled "An act to appoint a commissioner to superintend the settlement of the accounts of this State with the United States," as relates to the duties and powers enjoined and vested in the said commissioner: passed 8th April, 1793; recorded in law book No. V. page 84; obsolete.
- ✓ 1663. An act enabling the trustees of Washington academy, and the trustees of Pittsburg academy, to locate the lands granted to said academies west of the Allegheny and Ohio rivers, if they shall think proper: passed 8th April, 1793; recorded in law book No. V. page 84; obsolete.
- ✓ 1664. An act declaring Chartier's creek a public highway: passed 8th April, 1793; recorded in law book No. V. page 85; repealed 24th February, 1806.
1666. An act for laying out a town at Presqu'Isle: passed 8th April, 1793; recorded in law book No. V. page 85; repealed 18th April, 1795.
1668. An act making certain appropriations for the year one thousand seven hundred and ninety-three: passed 10th April, 1793; recorded in law book No. V. page 139; obsolete.
1671. An act to authorize certain persons to sell and convey the lot of ground therein mentioned: passed 10th April, 1793; recorded in law book No. V. page 87; private act; obsolete.
1672. An act to provide for the enumeration of the taxable inhabitants of this commonwealth: passed 10th April, 1793; recorded in law book No. V. page 103; obsolete.
1676. An act to vest in Abraham Rankin and Ann Nebinger, the wife of George Nebinger, two of the children of James Rankin, such parts of his forfeited estates, as have not been sold for the benefit of the commonwealth: passed 11th April, 1793; recorded in law book No. V. page 110; private act; obsolete.
1677. A supplement to the act, entitled "An act to incorporate the subscribers to the bank of Pennsylvania:" passed 11th April, 1793; recorded in law book No. V. page 108; obsolete.

A. D.

1793. CHAP. 1678. An act to continue the act, entitled, "An act to continue the act for transferring certain powers, formerly exercised by the supreme executive council, also by the president or vice-president thereof, to the governor of this commonwealth: passed 11th April, 1793; recorded in law book No. V. page 107; expired.
1679. An act to provide for the accommodation of the congress of the United States: passed 11th April, 1793; recorded in law book No. V. page 108; obsolete.
1680. An act for the relief of Fleming Wilson: passed 11th April, 1793; recorded in law book No. V. page 110; private act; obsolete.
1685. An act for the regulation of the militia of the commonwealth of Pennsylvania: passed 11th April, 1793; recorded in law book No. V. page 119; repealed.
1686. An act for erecting a loan-office for the sum of five hundred thousand dollars: passed 11th April, 1793; recorded in law book No. V. page 150; repealed 18th April, 1794.
1687. An act to establish a board of wardens for the port of Philadelphia, and for other purposes therein mentioned: passed 11th April, 1793; recorded in law book No. V. pa. 157; repealed and supplied.
1688. An act to provide for the defence of the river Delaware: passed 4th Sept'r, 1793; recorded in law book No. V. page 174; expired.
1689. An act providing for certain returns of surveys being received in the land-office: passed 4th September, 1793; recorded in law book No. V. page 174; obsolete.
1690. An act to extend the time for patenting lands: passed 4th September, 1793; recorded in law book No. V. page 174; expired.
1691. An act to suspend for a limited time, so much of the act, entitled, "An act to regulate the assize of bread, and for other purposes therein mentioned" as relates to the assize of bread: passed 4th September, 1793; recorded in law book No. V. page 176; repealed.
1693. A supplement to an act, entitled "An act to prevent infectious diseases being brought into this province: passed 5th September, 1793; recorded in law book No. V. page 177; expired.
1794. 1694. A supplement to the act, entitled, "An act to enable the governor of this commonwealth to incorporate a company, for the purpose of promoting the cultivation of vines, and for other purposes therein mentioned: passed 13th January, 1794; recorded in law book No. V. page 179; obsolete.
1695. An act to continue for a longer period, "An act for instituting a board of property, and for other purposes therein mentioned:" passed 30th January, 1794; recorded in law book No. V. page 179; expired.
1696. An act to allow an additional inspector at the general elections for the district of Southwark: passed 13th January, 1794; recorded in law book No. V. page 178; obsolete; see chap. 2111.
1697. An act repealing so much of the act, entitled, "An act for raising and collecting of money on the specified articles therein mentioned, for the support of government, and for other purposes therein mentioned," as imposes a tax upon writs issuing out of any of the courts of common pleas within this commonwealth: passed 13th January, 1794; recorded in law book No. V. page 178; obsolete.
1700. An act in favour of Peter Dehaven: passed 5th February, 1794; recorded in law book No. V. page 184; private act; obsolete.
1704. An act for more effectually securing the trade, peace and safety of the port of Philadelphia, and defending the western frontiers of the commonwealth: passed 8th February, 1794; recorded in law book, No. V. page 184; expired.
1705. A supplement to the act, entitled, "An act to provide for the support of the government of this commonwealth," passed the thirteenth day of April, in the year of our Lord one thousand seven hundred and ninety-one: passed 5th March, 1794; recorded in law book No. V. page 183; expired.



A. D.

1794. CHAP. 1706. An act for the relief of Blackall William Ball : passed 5th March, 1794 ; recorded in law book No. V. page 186 ; private act ; obsolete.
1707. An act for the relief of Thomas Butler and Henry Brown : passed 5th March, 1794 ; recorded in law book No. V. page 187 ; private act ; obsolete.
1708. An act to revive part of the act, entitled, " A supplement to an act, entitled, " An act to prevent infectious diseases being brought into this province : " passed 11th March, 1794 ; recorded in law book No. V. page 189 ; repealed.
1712. An act to extend the time for patenting lands : passed 3d April, 1794 ; recorded in law book No. V. page 192 ; expired.
1714. A supplement to the act, entitled, " An act to appoint commissioners to regulate the streets, lanes and alleys, in the district of Southwark, and to lay out new streets, lanes and alleys therein, for the accommodation of the inhabitants, and to lay out the roads therein mentioned through the said district, and parts of the townships of Moyamensing and Passyunk : " passed 3d April, 1794 ; recorded in law book No. V. page 194 ; virtually repealed, 1st April, 1811.
1716. An act to exonerate the late proprietaries from the payment of certain taxes, and to authorize the state treasurer to pay them such monies as have been retained by him, on account thereof : passed 3d April, 1794 ; recorded in law book No. V. page 195 ; obsolete.
1717. An act for the relief of Adam Melcher : passed 3d April, 1794 ; recorded in law book No. V. page 195 ; private act ; obsolete.
1718. An act to revive and continue a part of the act, entitled, " A supplement to the several acts for raising county rates and levies : passed 8th April, 1794 ; recorded in law book No. V. page 199 ; repealed.
1720. An act for the relief of Christian Mary : passed 8th April, 1794 ; recorded in law book No. V. page 198 ; private act ; obsolete.
1724. An act to provide for the settlement of the accounts of divers officers of the militia of the counties of Westmoreland and Washington, and for other purposes therein mentioned : passed 8th April, 1794 ; recorded in law book No. V. page 201 ; obsolete.
1725. A supplement to the act, entitled, " An act to enjoin certain duties on the secretary of the commonwealth, and for other purposes : passed 8th April, 1794 ; recorded in law book No. V. page 199 ; supplied.
1727. An act for the relief of Patrick Roberts and Charles West, junior : passed 14th April, 1794 ; recorded in law book No. V. page 202 ; private act ; obsolete.
1728. An act to enable Archibald M'Grew to sell and convey a certain tract of land in York county : passed 14th April, 1794 ; recorded in law book No. V. page 204 ; private act ; obsolete.
1733. An act to provide for the payment of certain incidental expenses of the late convention and general assembly of the commonwealth of Pennsylvania : passed 18th April, 1794 ; recorded in law book No. V. page 223 ; obsolete.
1734. An act to empower the commissioners of the county of Northumberland to lay, assess and levy a sum of money, for the purpose of erecting a court-house, for the use of the said county : passed 18th April, 1794 ; recorded in law book No. V. page 224 ; obsolete.
1735. An act to revive and continue, for a limited time, the act, entitled, " An act to authorize the commissioners of bankruptcy to proceed in the business remaining unfinished under the late bankrupt laws, and for other purposes therein mentioned : " passed 18th April, 1794 ; recorded in law book No. V. page 225 ; expired.
1737. A supplement to the act, entitled, " An act for laying out a town at Presqu' Isle : " passed 18th April, 1794 ; recorded in law book No. V. page 228 ; repealed 18th April, 1795.

A. D.

1794. CHAP. 1741. An act to extend the powers of the commissioners of Huntingdon county to assess and levy a further sum for erecting and completing the public buildings, and to grant a loan to the trustees of the same: passed 19th April, 1794; recorded in law book No. V. page 246; obsolete.
1742. An act to extend the powers of the justices of the peace in this state: passed 19th April, 1794; recorded in law book No. V. page 237; repealed 20th March, 1810.
1743. An act to provide for settling the accounts of John Blake, late collector of taxes in the township of Moreland, now partly in the county of Philadelphia, and partly in the county of Montgomery: passed 19th April, 1794; recorded in law book No. V. page 242; private act; obsolete.
1745. An act for the relief of Grizel Robinson: passed 19th April, 1794; recorded in law book No. V. page 244; private act; obsolete.
1747. An act for establishing a health-office, for otherwise securing the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for regulating the importation of German and other passengers: passed 22d April, 1794; recorded in law book No. V.
1750. An act for the relief of John Laird: passed 22d April, 1794; recorded in law book No. V. page 264; private act.
1751. An act to authorize and empower Elijah Phillips, administrator of Catharine Phillips, deceased, to sell the plantation or tract of land therein mentioned: passed 22d April, 1794; recorded in law book No. V. page 319.
1752. An act to provide for the better collection of the revenue arising from tavern licenses: passed 22d April, 1794; recorded in law book No. V. obsolete.
1753. An act for granting a further sum of money, for opening and improving the road from Wilkes-Barre to Wyalusing: passed 22d April, 1694; recorded in law book No. V. obsolete.
1754. A supplement to the act, entitled, "An act to establish a board of wardens for the port of Philadelphia, and for other purposes therein mentioned:" passed 22d April, 1794; recorded in law book No. V. page 271; repealed and supplied.
1757. An act making provision for the support of certain orphan children: passed 22d April, 1794; recorded in law book No. V. page 314; obsolete.
1758. An act to enable Richard Thomas, surviving executor of the last will and testament of William Lindsey, deceased, to convey the real estate of the decedent: passed 22d April, 1794; recorded in law book No. V. page 313; private act; obsolete.
1759. An act to fix the number of senators, form the state into districts, and determine the portion to be allotted to each, as well as to fix the number of representatives for the city of Philadelphia, and the several counties of the commonwealth, in pursuance of the provisions of the constitution: passed 22d April, 1794; recorded in law book No. V. page 317; expired; obsolete.
- ✓ 1760. An act to erect the town of Pittsburgh, in the county of Allegheny, into a borough, and for other purposes therein mentioned: passed 22d April, 1794; recorded in law book No. V. page 272; repealed and supplied 5th March, 1802.
1763. A further supplement to the act, entitled, "An act to improve the breed of horses, and regulate rangers: passed 22d April, 1794; recorded in law book No. V. page 321; repealed 20th March, 1810.
1764. An act supplementary to the act, entitled, "A supplement to the act, entitled, "An act to provide for paying and redeeming certain public debts, and for defraying the expenses of government, and for other purposes therein mentioned: passed 22d April, 1794; recorded in law book No. V. page 265; obsolete.
1765. An act to provide for the election of representatives of the people of this state, in the congress of the United States; passed 22d April, 1794; recorded in law book No. V. page 275; expired.



A. D.

1794. CHAP. 1768. An act to provide for suppressing an insurrection in the western counties of this commonwealth: passed 19th September, 1794; recorded in law book No. V. page 349; obsolete.
1769. An act enabling certain freemen of the county of Northumberland to vote at the first election district, at their next general election: passed 22d September, 1794; recorded in law book No. V. page 359; obsolete.
1771. An act for the relief of Peter Shaffner, an insolvent debtor, confined in the gaol of the county of Lancaster: passed 22d September, 1794; recorded in law book No. V. page 360; private act; obsolete.
1772. An act to enable such of the militia of this commonwealth as may be on service, and absent from their respective counties, to vote at the next general election: passed 22d September, 1794; recorded in law book No. V. page 362; obsolete.
1776. An act to authorize the Governor to suspend the laying out a town at Presqu' Isle, and for other purposes therein mentioned: passed 23d September, 1794; recorded in law book No. V. page 355; expired.
1777. An act in favour of Nathaniel Falconer: passed 23d September, 1794; recorded in law book No. V. page 354; private act; obsolete.
1778. A supplement to the act, entitled, "An act for establishing a health-office, for otherwise securing the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for regulating the importation of German and other passengers:" passed 23d September, 1794; recorded in law book No. V. page 356; repealed.
1795. 1779. An act for the relief of certain persons having demands against the commonwealth, for materials furnished, and work done, at or for the house intended for the accommodation of the president of the United States: passed 8th January, 1795; recorded in law book No. V. page 371; obsolete.
1781. A supplement to an act, entitled, "An act to enable the governor of this commonwealth to incorporate a company for opening a canal and lock navigation between the rivers Schuylkill and Susquehanna, by the waters of Tulpehocken, Quittapahilla and Swatara, in the counties of Berks and Dauphin: passed 12th February, 1795, recorded in law book No. V. page 374; repealed.
1783. An act to provide for the payment of certain incidental expenses of the late senate: passed 12th February, 1795; recorded in law book No. V. page 385; obsolete.
1784. An act to extend an act, entitled, "An act to enable aliens to purchase and hold real estates within this commonwealth:" passed 12th Feb'y, 1795; recorded in law book No. V. page 375; expired.
1791. An act to provide for discharging certain certificates of this state: passed 25th February, 1795; recorded in law book No. V. page 382; obsolete.
1792. An act to afford relief to certain distressed French emigrants: passed 25th February, 1795; recorded in law book No. V. page 381; obsolete.
1806. An act for the relief of Ann Russel: passed 31st March, 1795; recorded in law book No. V. page 422; private act; obsolete.
1807. An act to ascertain the boundary lines of a tract of land in York county, called Carrol's Delight: passed 31st March, 1795; recorded in law book No. V. page 417; repealed.
1810. An act to supply the deficiencies in former appropriations, and for other purposes therein mentioned: passed 1st April, 1795; recorded in law book No. V. page 420; obsolete.
1811. An act for reviving suits, process and proceedings, which have been discontinued in the courts of oyer and terminer and general gaol delivery, and the courts of general quarter sessions of the peace and common pleas, in the county of Northumberland: passed 1st April, 1795; recorded in law book No. V. page 419; obsolete.



A. D.

1795. CHAP. 1812. A further supplement to the act, entitled, "An act to establish a board of wardens for the port of Philadelphia, and for other purposes therein mentioned: passed 6th April, 1795; recorded in law book No. V. page 386; expired.
1813. An act to continue an act, entitled, "An act to suspend, for a limited time, so much of the act entitled, "An act to regulate the assize of bread, and for other purposes therein mentioned," as relates to the assize of bread: passed 6th April, 1795; recorded in law book No. V. page 421; repealed.
1816. An act to erect Lewis-Town in the county of Mifflin into a borough: passed 11th April, 1795; recorded in law book No. V. page 424; repealed and supplied 6th February, 1811.
1819. A supplement to the act, entitled, "An act to provide for the accommodation of the congress of the United States:" passed 11th April, 1795; recorded in law book No. V. page 428; obsolete.
1821. An act to repeal so much of an act, entitled, "An act for raising and collecting of money on the specified articles therein mentioned, for the support of government, and for other purposes therein mentioned," as imposes a tax on the owners and possessors of any coach, chariot, or post-chaise, phaton, or four wheel chaise, stage coach and stage waggon: passed 13th April, 1795; recorded in law book No. V. page 436; obsolete.
1824. An act to reimburse the guardians of certain orphan children the monies advanced by them, for the support of the said children: passed 13th April, 1795; recorded in law book No. V. page 433; private act; obsolete.
- V 1829. An act to provide for educating John Metoxen, one of the Stockbridge tribe of Oneida Indians: passed 15th April, 1795; recorded in law book No. V. page 436; private act; obsolete.
1833. An act supplementary to the several acts establishing a health-office: passed 17th April, 1795; recorded in law book No. V. page 450; repealed and supplied.
1834. A further supplement to the act, entitled, "An act to establish the judicial courts of this commonwealth, in conformity to the alterations and amendments in the constitution:" passed 17th April, 1795; recorded in law book No. V. page 492; obsolete.
1835. An act for the relief of William Dunton, Bernard Merkle, and John Kline: passed 17th April, 1795; recorded in law book No. V. page 444; private act; obsolete.
1836. A further supplement to the act, entitled, "An act for establishing a health-office for otherwise securing the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for regulating the importation of German and other passengers: passed 17th April, 1795; recorded in law book No. V. page 452; repealed and supplied.
1838. An act to authorize the governor to vest the unproductive monies of this commonwealth, in certain description of the public debts of the United States, and for other purposes therein mentioned: passed 17th April, 1795; recorded in law book No. V. page 472; obsolete.
- V 1839. An act for the relief of John Gordon: passed 17th April, 1795; recorded in law book No. V. page 443; private act; obsolete.
1841. An act to regulate the mode of assessing and collecting county rates and levies: passed 17th April, 1795; recorded in law book No. V. page 454; repealed.
1843. An act to enable the president and managers of the Schuylkill and Susquehanna navigation, and the president and managers of the Delaware and Schuylkill canal navigation, to raise by way of lottery, the sum of four hundred thousand dollars, for the purpose of completing the works in their acts of incorporation mentioned: passed 17th April, 1795; recorded in law book No. V. page 482; repealed.
1854. An act to collect a revenue from the rolls-office, for the further support of government: passed 20th April, 1795; recorded in law book No. VI. page 35; repealed.

A. D.

1795. CHAP. 1855. An act to provide for the settlement of the accounts of John Nicholson, late comptroller-general: passed 20th April, 1795; recorded in law book No. V. page 487; expired.
1796. 1856. An act to afford further relief to certain distressed French emigrants: passed 13th January, 1796; recorded in law book No. VI. page 47; obsolete.
1857. An act to vest in Hannah Sower, for the use of herself and children, certain parts of the forfeited estate of Christopher Sower, the younger, which have not yet come into the possession of this commonwealth: passed 21st January, 1796; recorded in law book No. VI. page 48; private act; obsolete.
1861. A supplement to the act, entitled, "An act to extend the powers of the justices of the peace in this state:" passed 13th February, 1796; recorded in law book No. VI. page 54; expired.
1865. An act for the relief of Valentine Etkhart: passed 26th February, 1796; recorded in law book No. VI. page 59; private act; obsolete.
1867. An act to empower the commissioners of Huntingdon county to assess and levy the further sum of six hundred pounds, for erecting and completing the public buildings in the said county: passed 9th March, 1796; recorded in law book No. VI. page 64; obsolete.
1868. A supplement to the act, entitled, "An act to provide for ascertaining the arrearages of taxes due from the respective counties of this commonwealth: passed 17th March, 1796; recorded in law book No. VI. page 64; expired.
1874. An act to provide for the completion of the house intended for the accommodation of the president of the United States: passed 20th March, 1796; recorded in law book No. VI. page 70; obsolete.
1876. An act for the relief of William Ennis Cortwright: passed 23d March, 1796; recorded in law book No. VI. page 72; private act; obsolete.
1877. An act to enable the governor of this commonwealth to incorporate a company, for making an artificial road from Lancaster, through Elizabethtown and Middletown, to Harrisburgh: passed 23d March, 1796; recorded in law book No. VI. page 73; extinct and supplied by another law.
1878. An act for the relief of Owen McLaughlin and John Skilling: passed 28th March, 1796; recorded in law book No. VI. page 87; private act; obsolete.
1879. An act to authorize the commissioners of the city and county of Philadelphia to defray the expenses of opening certain roads in the district of Southwark, and townships of Moyamensing and Passyunk, out of the general taxes of the said city and county: passed 28th March, 1796; recorded in law book No. VI. pa. 89; obsolete.
1880. An act for raising by way of lottery, the sum of sixty thousand dollars, for accomplishing the building a stone bridge over the river Schuylkill, at the borough of Reading: passed 29th March, 1796; recorded in law book No. VI. page 90; repealed.
1882. An act directing the manner, time and place, for holding elections for the electors of a president and vice-president of the United States: passed 1st April, 1796; recorded in law book No. VI. page 95; obsolete.
1883. An act to extend the time for patenting of lands: passed 1st April, 1796; recorded in law book No. VI. page 97; expired.
1884. An act for repealing a law passed the eleventh day of September, one thousand seven hundred and eighty-six, entitled, "An act to relieve the owners of unimproved lands from the inconvenience they are subjected to, by the present mode of enforcing the payment of taxes assessed thereon: passed 1st April, 1796; recorded in law book No. VI. page 97; obsolete.
1885. An act to enable the governor of this commonwealth to incorporate a company, for making an artificial road from an intersection of the Philadelphia and Lancaster turnpike road near the gap tavern, in Lancaster county, to Newport and Wilmington, in the state of Delaware: passed 4th April, 1796; recorded in law book No. VI. page 99; extinct, and supplied by chap. 2810.



A. D.

1796. CHAP. 1836. A further supplement to the act, entitled, "An act to enjoin certain duties on the secretary of the commonwealth, and for other purposes:" passed 4th April, 1796; recorded in law book No. VI. page 114; expired.
1888. An act to provide for a review of that part of a road laid out from Philadelphia to the borough of York, by West-Chester, Strassburgh, and the Blue rock, which lies between Fawkes's tavern and West-Chester: passed 4th April, 1796; recorded in law book No. VI. page 115; obsolete.
1890. An act to provide for altering the buildings appropriated as a gaol for criminals: passed 4th April, 1796; recorded in law book No. VI. page 117; obsolete.
1891. An act making appropriations, and for other purposes therein mentioned: passed 4th April, 1796; recorded in law book No. VI. page 122; obsolete.
1892. An act to amend and repeal certain provisions in the health laws of this commonwealth: passed 4th April, 1796; recorded in law book No. VI. page 118; repealed and supplied.
1897. A supplement to the act, entitled, "An act for extending the benefits experienced from the institution of the Pennsylvania hospital:" passed 4th April, 1796; recorded in law book No. VI. page 132; obsolete.
1900. An act to contribute to the relief of the sufferers by the late fires in the city of Savannah, in the state of Georgia: passed 23d December, 1796; recorded in law book No. VI. page 139; obsolete.
1797. 1901. An act for the relief of Henry Pensinger: passed 27th January, 1797; recorded in law book No. VI. page 140; private act; obsolete.
1902. An act to exonerate the district of Armagh, formerly in the county of Cumberland, but now in Mifflin county, from sundry state taxes: passed 27th January, 1797; recorded in law book No. VI. page 140; obsolete.
1904. An act to authorize the judges of Greene county, or a majority of them, to hold their courts in or near the town of Waynesburgh: passed 7th February, 1797; recorded in law book No. VI. page 141; obsolete.
1906. An act for the relief of Robert Sample: passed 14th February, 1797; recorded in law book No. VI. page 143; private act; obsolete.
1907. An act to afford relief to certain distressed French emigrants: passed 21st February, 1797; recorded in law book No. VI. page 146; obsolete.
1908. An act for raising, by way of lottery, the sum of twenty thousand dollars, to be applied to the erection of a stone arch bridge over Perkioming creek, in the county of Montgomery, on the road leading from Philadelphia to the borough of Reading: passed 21st February, 1797; recorded in law book No. VI. page 144; obsolete.
1913. A supplementary to the act, entitled, "An act to enable the president and managers of the Schuylkill and Susquehanna navigation, and the president and managers of the Delaware and Schuylkill canal navigation, to raise, by way of lottery, the sum of four hundred thousand dollars, for the purpose of completing the works in their acts of incorporation mentioned:" passed 7th March, 1797; recorded in law book No. VI. page 154; obsolete.
1917. An act to extend the period heretofore allowed for applications for donation lands: passed 20th March, 1797; recorded in law book No. VI. page 160; expired.
1919. An act to afford relief to Washington academy, in the county of Washington: passed 20th March, 1797; recorded in law book No. VI. page 159; obsolete.
1920. An act to extend an act, entitled, "A further supplement to the act, entitled, "An act to establish a board of wardens for the port of Philadelphia, and for other purposes therein mentioned:" passed 21st March, 1797; recorded in law book No. VI. page 165; expired.

A. D.

1797. CHAP. 1921. An act to enable the administrators of the estate of James Patterson, deceased, by leave of the court of common pleas of Franklin county, to convey a certain tract of land to George Crider : passed 21st March, 1797 ; recorded in law book No. VI. page 160 ; private act ; obsolete.
1925. An act to provide for educating John Konkapot, junior, a youth of the Stockbridge tribe of Oneida Indians, and for the relief of John Konkapot, senior : passed 24th March, 1797 ; recorded in law book, No. VI. page 169 ; private act ; obsolete.
1933. A supplement to the act, entitled, " An act to provide for altering the buildings appropriated as a gaol for criminals : passed 21st March, 1797 ; recorded in law book No. VI. page 185 ; obsolete.
1939. An act for the distribution of certain monies, recovered under the late bankrupt laws of this commonwealth : passed 4th April, 1797 ; recorded in law book No. VI. page 195 ; obsolete.
1940. An act to establish a separate representation for the counties of Somerset, Lycoming and Greene, to represent them in the house of representatives of this commonwealth : passed 5th April, 1797 ; recorded in law book No. VI. page 201 ; obsolete.
1941. An act making provision for the employment of an additional number of clerks in the office of the surveyor-general, receiver-general, and secretary of the land-office : passed 5th April, 1797 ; recorded in law book No. VI. page 203 ; expired.
1942. An act to continue an act, entitled, " An act for opening, and better amending and keeping in repair, the public roads and highways within this province : " passed 5th April, 1797 ; recorded in law book No. VI. page 202 ; expired.
1944. An act to authorize Thomas Proctor to commence a suit against this commonwealth, upon certain claims which he has against the same : passed 5th April, 1797 ; recorded in law book No. VI. page 202 ; private act ; obsolete.
1945. An act to amend and continue an act, entitled, " An act to establish a board of wardens for the port of Philadelphia, and for other purposes therein mentioned : " passed 5th April, 1797 ; recorded in law book No. VI. page 199 ; repealed 29th March, 1803.
1946. An act to empower Jonathan Jarrett, of the county of Montgomery, to sell and convey certain lands, therein specified : passed 5th April, 1797 ; recorded in law book No. VI. page 196 ; private act ; obsolete.
1947. An act to appoint a trustee for Mifflin county : passed 5th April, 1797 ; recorded in law book No. VI. page 197 ; obsolete.
1948. An act making appropriations, and to enjoin certain duties on the comptroller-general, register-general, and state-treasurer, as well as for other purposes therein mentioned : passed 5th April, 1797 ; recorded in law book No. VI. page 203 ; obsolete.
1949. An act to provide for alleviating the distresses of the citizens of Philadelphia, and the suburbs thereof, during the continuance of the existing malignant and contagious diseases : passed 29th August, 1797 ; recorded in law book No. VI. page 207 ; obsolete.
1798. 1952. An act to provide for defraying the expense of surveying five tracts of land, heretofore granted to Cornplanter, a chief of the Seneca nation : passed 27th February, 1798 ; recorded in law book No. VI. page 212 ; obsolete.
1955. An act for the relief of David Jones : passed 27th February, 1798 ; recorded in law book No. VI. page 216 ; private act ; obsolete.
1956. An act empowering the commissioners of Westmoreland county, to appoint assessors and assistant assessors in sundry townships thereof, for the purposes therein mentioned : passed 27th February, 1798 ; recorded in law book No. VI. page 215 ; obsolete.
1959. An act to appoint a trustee in the county of Mifflin : passed 22d February, 1798 ; recorded in law book No. VI. page 214 ; obsolete.



## A. D.

1798. CHAP. 1961. An act to provide for settling the compensations of sundry members of the legislature at the late session, and to authorize the speakers of the respective houses to draw warrants in their favour, for the sums found due: passed 27th February, 1798; recorded in law book No. VI. page 214; obsolete.
1965. An act for raising, by way of lottery, a sum not exceeding five thousand five hundred dollars, to be applied to the defraying the expenses of erecting a school-house in the township of New Hanover, in the county of Montgomery, and of purchasing a lot and erecting a church in the borough of Harrisburg: passed 16th March, 1798; recorded in law book No. VI. page 252; obsolete.
1966. An act authorizing certain lotteries; passed 16th March, 1798; recorded in law book No. VI. page 250; obsolete.
1968. An act for raising, by way of lottery, the sum of two thousand four hundred dollars, for the purpose of completing a bridge over Big Swatara creek, at Jones's town: passed 16th March, 1798; recorded in law book No. VI. page 250; obsolete.
1972. An act to authorize Edmund Milne to commence a suit against the commonwealth, upon certain claims which he has against the same: passed 16th March, 1798; recorded in law book No. VI. page 248; obsolete.
1979. An act to enable the governor of this commonwealth to incorporate a company, for making an artificial road from the city of Philadelphia, through Germantown, by the route of Chesnut-hill, to the twelve mile stone on the Reading road, and thence to Reading, in the county of Berks: passed 29th March, 1798; recorded in law book No. VI. page 261; extinct and supplied by other laws.
1983. An act for the relief of John Glen: passed 4th April, 1798; recorded in law book No. VI. page 281; private act; obsolete.
1984. An act to continue in force for a limited time, the act, entitled, "An act to extend the powers of the justices of the peace in this state, and for other purposes therein mentioned;" passed 4th April, 1798; recorded in law book No. VI. page 274; repealed 20th March, 1810.
1985. An act to extend the time for patenting lands: passed 4th April, 1798; recorded in law book No. VI. page 274; expired.
1986. An act to re-enact certain laws relative to the county rates and levies: passed 4th April, 1798; recorded in law book No. VI. page 283; repealed.
1987. An act to make certain appropriations, as well as for other purposes therein mentioned: passed 4th April, 1798; recorded in law book No. VI. page 275; obsolete.
1988. An act providing that the person of a debtor shall not be liable to imprisonment for debt, after delivering up his estate for the benefit of his creditors, unless he hath been guilty of fraud or embezzlement: passed 4th April, 1798; recorded in law book No. VI. page 300; expired.
1990. An act to enable the president and managers of the company for erecting a bridge over the river Delaware, at the borough of Easton, in the county of Northampton, to raise by lottery, the sum of twelve thousand five hundred dollars, for the purpose of completing the work in their act of incorporation mentioned: passed 4th April, 1798; recorded in law book No. VI. page 281; obsolete.
1991. An act to provide a more effectual method for settling the accounts of the several brigade-inspectors within this commonwealth: passed 4th April, 1798; recorded in law book No. VI. pa. 299; repealed.
1992. An act altering the times of holding the courts of common pleas and general quarter sessions of the peace in the county of Washington: passed 4th April, 1798; recorded in law book No. VI. page 298; obsolete.
1996. An act to alter and amend the health laws of this commonwealth, and to incorporate a board of managers of the marine and city hospitals of the port of Philadelphia, and for other purposes therein mentioned: passed 4th April, 1798; recorded in law book No. VI. page 306; expired.

A. D.

1799. CHAP. 2006. A supplement to an act, entitled, "An act to provide for the erection of houses for the employment and support of the poor in the counties of Chester and Lancaster:" passed 9th February, 1799; recorded in law book No. VI. page 326; obsolete.
2007. An act to authorize the president, directors and company of the Bank of Pennsylvania, to make a loan to the United States, of a sum not exceeding five hundred thousand dollars: passed 13th February, 1799; recorded in law book No. VI. page 327; obsolete.
2008. An act for raising, by way of lottery, a sum not exceeding two thousand dollars, to be applied to the defraying the expenses of completing the building of a Presbyterian meeting-house in Mifflintown, in the county of Mifflin: passed 13th February, 1799; recorded in law book No. VI. page 327; obsolete.
2011. An act to continue in force, for a limited time, part of an act, entitled, "A further supplement to the act, entitled, "An act to enjoin certain duties on the secretary of the commonwealth, and for other purposes;" passed 1st March, 1799; recorded in law book No. VI. page 353; expired.
2016. An act in favour of John Hazlewood: passed 8th March, 1799; recorded in law book No. VI. page 355; private act; obsolete.
2018. An act to provide for the payment of twenty-nine thousand dollars, borrowed and expended for the use of the inhabitants of Philadelphia and its vicinity, during the prevalence of the late malignant fever, and also for the payment of interest thereon: passed 8th March, 1799; recorded in law book No. VI. page 354; obsolete.
2019. An act for altering the place of holding special elections for the city of Philadelphia, and the townships of Blockley and Kingsessing, in the county of Philadelphia, when the legislature shall be in session: passed 20th March, 1799; recorded in law book No. VI. page 357; obsolete.
2020. An act for reviving suits, process and proceedings, which have been discontinued in the courts of general quarter sessions of the peace and common pleas in the county of Montgomery: passed 20th March, 1799; recorded in law book, No. VI. page 357; obsolete.
2023. An act for the relief of Jesse Rankin: passed 28th March, 1799; recorded in law book No. VI. page 365; private act; obsolete.
2024. An act to vest in the heirs of William Rankin, deceased, such part of his forfeited estate, as hath not been sold for the use of this commonwealth: passed 28th March, 1799; recorded in law book No. VI. page 365; private act; obsolete.
2025. An act to indemnify General William Irwine for the loss of Montour's island, recovered from him by a judgment of the supreme court of the United States: passed 28th March, 1799; recorded in law book No. VI. page 364; obsolete.
2026. An act to provide for reimbursing the expenses of the sheriff of the city and county of Philadelphia, in removing his prisoners from the debtor's apartment to the county of Montgomery, during the prevalence of the late contagious fever: passed 28th March, 1799; recorded in law book No. VI. page 371; obsolete.
2028. An act empowering certain trustees, therein named, to sell and dispose of part of a certain tract of land, situate in Hellam township, in the county of York, and state of Pennsylvania, and to appropriate the monies arising from such sale for the purposes therein mentioned: passed 28th March, 1799; recorded in law book No. VI. page 369; obsolete.
2029. An act to appropriate a sum of money, to be applied in completing three bridges in Bedford county, and for other purposes: passed 28th March, 1799; recorded in law book No. VI. page 367.
2030. An act to authorize the commissioners of Montgomery county and their successors in office, to raise money, by toll, for completing a bridge over the Perkiomen creek, on the road leading from Philadelphia to Reading: passed 28th March, 1799; recorded in law book No. VI. page 386; obsolete.



A. D.

1799. CHAP. 2032. An act to enable Thomas Jones and Peter Filbert, of the county of Berks, or the survivor of them, to convey and assure the lots of ground therein mentioned: passed 28th March, 1799; recorded in law book No. VI. page 368; obsolete.
2035. An act to enable William Alexander and Robert Alexander, and the survivor of them, trustees of an estate held for the use of Jonathan Williams and Mariamne his wife, and their joint heirs, with the remainders over, to sell and convey the said estate, or such parts thereof as may be necessary, and to invest the monies arising therefrom to the same uses, but in other property more beneficial and productive, and for other purposes therein mentioned: passed 28th March, 1799; recorded in law book No. VI. page 375; private act; obsolete.
2036. An act to authorize the removal of the seat of justice in the county of Wayne, and for other purposes: passed 1st April, 1799; recorded in law book No. VI. page 373; obsolete.
2037. An act to provide for the removal of the seat of the government of the state of Pennsylvania: passed 3d April, 1799; recorded in law book No. VI. page 370; obsolete.
2038. An act to appropriate a further sum of money for the opening and improving the road leading from Frankstown, on the river Juniata, to Pittsburgh; passed 4th April, 1799; recorded in law book No. VI. page 368; obsolete.
2039. An act for raising, by way of lottery, a sum not exceeding ten thousand dollars, for the purpose of completing the building of the Roman catholic church of St. Augustine, in the city of Philadelphia: passed 4th April, 1799; recorded in law book No. VI. page 377; obsolete.
2044. An act for the relief of Hannah Allman, executrix to Lawrence Allman, deceased: passed 5th April, 1799; recorded in law book No. VI. page 435; private act; obsolete.
2048. An act to provide for repairing the buildings appropriated for the employment of the criminals from the several counties of this state, in the city of Philadelphia: passed 8th April, 1799; recorded in law book No. VI. page 431; obsolete.
2054. An act providing for the distribution of the journals of the senate, and of the house of representatives of this commonwealth: passed 9th April, 1799; recorded in law book No. VI. page 428; obsolete.
2055. An act to continue and amend the existing laws for the regulation of the port and harbour of Philadelphia: passed 9th April, 1799; recorded in law book No. VI. page 432; repealed 29th March, 1803.
2056. An act to provide for the payment of a small corps of militia, stationed at Greensburgh, in the year one thousand seven hundred and ninety-four: passed 9th April, 1799; recorded in law book No. VI. page 432; obsolete.
2057. An act for the regulation of the militia of the commonwealth of Pennsylvania: passed 9th April, 1799; recorded in law book No. VI. page 399; repealed.
2059. An act for the relief of the widow and heirs of John Jones, deceased: passed 10th April, 1799; recorded in law book No. VII. page 8; private act; obsolete.
2061. An act for the relief of George Walton: passed 10th April, 1799; recorded in law book No. VI. page 442; private act; obsolete.
2065. An act for the reimbursement of monies heretofore advanced by the receiver-general of the land-office: passed 10th April, 1799; recorded in law book No. VI. page 444; obsolete.
2066. An act to authorize the commissioners of the county of Delaware to raise money, by toll, for the repair and maintenance of the bridges on the public state road of said county: passed 11th April, 1799; recorded in law book No. VI. page 446; expired.

A. D.

1790. CHAP. 2068. An act making provision for the opening and improving of a road over the Penn's-valley mountains, in the county of Mifflin, and for opening and improving the state road from Turtle-creek to Pittsburgh : passed 11th April, 1799 ; recorded in law book No. VII. page 5 ; obsolete.
2075. An act to continue for an additional period, " An act for instituting a board of property, and for other purposes therein mentioned : " passed 11th April, 1799 ; recorded in law book No. VII. page 4 ; expired.
2076. An act for completing the education of John Konkapot, junior : passed 11th April, 1799 ; recorded in law book No. VII. page 9 ; obsolete.
2077. An act to enable aliens, in certain cases, to purchase and hold real estate within this commonwealth : passed 11th April, 1799 ; recorded in law book No. VII. page 21 ; repealed and supplied 10th February, 1807.
2078. An act to enable the governor of this commonwealth to appoint commissioners to ascertain the best route for and mode of effecting a communication between the waters of the Delaware and Chesapeake bays, and appropriating a sum of money for opening the navigation of the river Susquehanna down to the Maryland line : passed 11th April, 1799 ; recorded in law book No. VII. page 19 ; obsolete and repealed.
2082. An act to authorize the governor to procure on loan the sum of one hundred thousand dollars ; to suspend, for a limited time, the act, entitled, " An act to provide arms for the use of this commonwealth, " passed the twenty-eighth day of March, one thousand seven hundred and ninety-seven ; further to provide for the settlement of the accounts of the brigade-inspectors ; to make certain appropriations ; and for other purposes : passed 11th April, 1799 ; recorded in law book No. VII. page 34 ; obsolete.
2083. An act for establishing a health-office, for securing the city and port of Philadelphia from the introduction of pestilential and contagious diseases : passed 11th April, 1799 ; recorded in law book No. VII. page 52 ; repealed.
- 1800, 2085. An act declaring the marriage of Alexander de Tilly and Maria Matilda de Tilly (late Maria Matilda Bingham) to be fraudulent, null and void : passed 17th January, 1800 ; recorded in law book No. VII. page 77 ; private act ; obsolete.
2088. An act to prolong the time for commencing and completing the permanent bridge proposed to be erected over the river Schuylkill, at or near Philadelphia : passed 1st February, 1800 ; recorded in law book No. VII. page 85 ; obsolete.
2089. An act to authorize the governor to subscribe for a certain number of copies of an abridgment of the laws of this commonwealth : passed 1st February, 1800 ; recorded in law book No. VII. page 84 ; obsolete.
2090. An act prescribing a mode to elect or appoint assessors and assistant assessors, within the several townships in the county of Westmoreland, and for other purposes therein mentioned : passed 10th February, 1800 ; recorded in law book No. VII. page 84 ; obsolete.
2091. An act for raising monies by way of lottery, to defray the expenses of building certain churches : passed 10th February, 1800 ; recorded in law book No. VII. page 88 ; obsolete.
2093. An act to compensate the heirs and devisees of John Rankin, late of York county, deceased : passed 19th February, 1800 ; recorded in law book No. VII. page 95 ; private act ; obsolete.
2094. An act to appropriate a sum of money to defray the funeral expenses of the late major general Thomas Mifflin : passed 19th February, 1800 ; recorded in law book No. VII. page 98 ; obsolete.



A. D.

1800. CHAP. 2098. An act to authorize John B. Palmer and Frederick Heisz, to sell and dispose of in fee-simple, the real estate of Jacob Palmer, a lunatic: passed 1st March, 1800; recorded in law book No. VII. page 113; private act; obsolete.
2103. An act to continue and make perpetual the law, entitled, "An act for opening and better amending and keeping in repair the public roads and highways within this province: passed 1st March, 1800; recorded in law book No. VII. page 117; repealed.
2105. An act to alter the time for the register-general and the state treasurer, to exhibit a statement of the accounts of their respective offices to the legislature: passed 3d March, 1800; recorded in law book No. VII. page 117; repealed and supplied 30th March, 1811.
2107. An act to grant restitution to John Boggs, James Boggs and William Atkins, for lost certificates: passed 3d March, 1800; recorded in law book No. VII. page 119; private act; obsolete.
2108. An act to provide for the enumeration of the taxable inhabitants and slaves within this commonwealth: passed 7th March, 1800; recorded in law book No. VII. page 129; obsolete.
2113. An act to enable the executors of John Stein, and the administratrix of Samuel McCammon, deceased, to make certain conveyances: passed 12th March, 1800; recorded in law book No. VII. page 150; private act; obsolete.
2122. An act to grant a sum of money to the trustees of the academy of Canonsburgh, in Washington county: passed 13th March, 1800; recorded in law book No. VII. page 158; obsolete; see chap. 2206.
2123. An act to appropriate a sum of money, for opening the road from McConnellsburg, in Bedford county, to the state road near the top of Ray's hill: passed 13th March, 1800; recorded in law book No. VII. page 156; obsolete.
2124. A supplement to the act, entitled, "An act for raising, by way of lottery, a sum not exceeding ten thousand dollars, for the purpose of completing the building of the Roman catholic church of saint Augustine, in the city of Philadelphia: passed 13th March, 1800; recorded in law book No. VII. page 157; obsolete.
2126. An act to extend the time for patenting lands: passed 15th March, 1800; recorded in law book No. VII. page 188; obsolete.
2129. A supplement to an act, entitled, "An act erecting part of the county of York into a separate county:" passed 15th March, 1800; recorded in law book No. VII. page 178; obsolete.
2131. A further supplement to the act, entitled, "An act to establish the judicial courts of this commonwealth:" passed 15th March, 1800; recorded in law book No. VII. page 164; expired.
2134. An act for altering the times of holding certain courts within this state: passed 15th March, 1800; recorded in law book No. VII. page 170; supplied.
2135. An act to provide for opening and improving the road from David Beale's in Mifflin county, to George McMullin's in Shearman's valley, in Cumberland county: passed 15th March, 1800; recorded in law book No. VII. page 169; obsolete.
2137. An act to provide for the payment of certain expenses of the executive department of government for the present year, and making sundry other appropriations: passed 17th March, 1800; recorded in law book No. VII. page 182; obsolete.
2138. An act to direct in behalf of this state, the manner of appointing electors of a president and vice-president of the United States: passed 1st December, 1800; recorded in law book No. VII. page 192; obsolete.
2140. An act to raise by way of lottery, a sum of money to complete a church lately built in the village of New Holland: passed 1st December, 1800; recorded in law book No. VII. page 195; obsolete.
1801. 2149. An act for the relief of Isaac Van Horne: passed 21st January, 1801; recorded in law book No. VII. page 205; private act; obsolete.

A. D.

1801. CHAP. 2150. An act for the relief of Abraham Morrow : passed 24th January, 1801 : recorded in law book No. VII. page 206 ; private act ; obsolete.
2157. A supplement to an act, entitled, " An act to provide for opening and improving the road from David Beale's in Mifflin county, to George M'Mullin's, in Shearman's valley, in Cumberland county : passed 31st January, 1801 ; recorded in law book No. VII. page 212 ; obsolete.
2158. A supplement to an act, entitled, " An act to enable Thomas Jones and Peter Filbert, of the county of Berks, or the survivor of them, to convey and assure the lots of ground therein mentioned : " passed 31st January, 1801 ; recorded in law book No. VII. page 213 ; private act ; obsolete.
2159. An act for the relief of John Konkapot, junior : passed 31st January, 1801 ; recorded in law book No. VII. page 214 ; private act ; obsolete.
2160. A supplement to an act, entitled, " An act to revive and amend an act, entitled, " An act to enable the governor of this commonwealth to incorporate a company for the purpose of promoting the cultivation of vines, and for other purposes therein mentioned : " passed 31st January, 1801 ; recorded in law book No. VII. page 214 : obsolete.
2163. An act to facilitate the settlement of the accounts of former and present county treasurers for arrears of state taxes : passed 4th February, 1801 ; recorded in law book No. VII. page 217 ; repealed.
2164. An act to authorize Anthony Altman and Michael Rugh, trustees of the Lutheran congregation in Hempfield township, Westmoreland county, to complete a title for land : passed 9th February, 1801 ; recorded in law book No. VII. page 219 ; private act ; obsolete.
2165. A supplement to the several acts passed to provide for the settlement of the public accounts : passed 9th February, 1801 ; recorded in law book No. VII. page 220 ; obsolete.
2178. An act to provide for defraying the expense of surveying the islands in the Allegheny and Ohio rivers, and the several reserved tracts of Erie, Waterford, Franklin and Warren : passed 21st February, 1801 ; recorded in law book No. VII. page 252 ; obsolete.
2180. An act authorizing the purchase of the stone bridge erected by Christian Binkley, across the river Conestoga for public use : passed 23d February, 1801 ; recorded in law book No. VII. page 253 ; obsolete.
2185. An act to empower the governor to negotiate a loan for the use of the commonwealth : passed 23d February, 1801 ; recorded in law book No. VII. page 258 ; obsolete.
2186. An act to authorize William Gilliland, Alexander Russel, and Samuel Cobean, to sell and dispose of in fee-simple, the real estate of James Black, a lunatic, or such parts thereof, as may be necessary for the payment of his debts and maintenance : passed 25th February, 1801 ; recorded in law book No. VII. page 258 ; private act ; obsolete.
2189. An act to extend and further continue an act, entitled, " A supplement to the several acts, relative to establishing town and out lots, and selling the same, within the reserved tracts of land adjoining Erie, Franklin, Warren and Waterford : " passed 26th February, 1801 ; recorded in law book No. VII. page 266 ; expired.
2190. An act to compensate James Pearson : passed 26th February, 1801 ; recorded in law book No. VII. page 267 ; private act ; obsolete.
2191. A supplement to the act, entitled, " An act to extend the powers of the justices of the peace in this state, " passed the nineteenth day of April, one thousand seven hundred and ninety-four : passed 26th February, 1801 ; recorded in law book No. VII. page 268.



A. D.

1801. CHAP. 2192. An act to extend the time for the sale of the real estate of Andrew Boyd, late treasurer of Chester county: passed 26th February, 1801; recorded in law book No. VII. page 268; expired.
2193. An act for the relief of John Renison: passed 26th February, 1801; recorded in law book No. VII. page 269; private act; obsolete.
2194. An act to authorize William Turnbull, representative of William Turnbull and company, agents for the royal marine of France, to commence a suit against the commonwealth: passed 26th February, 1801; recorded in law book No. VIII. page 1; obsolete.
2198. An act to authorize and direct the treasurer of this commonwealth, to receive from the heirs of the late treasurer David Rittenhouse, certain certificates of funded debt of the United States, and the interest thereon, and to indemnify the said heirs therefor: passed 26th February, 1801; recorded in law book No. VIII. page 6; obsolete.
2201. An act to fix the number of senators, form the state into districts, and determine the portion to be allotted to each, as well as to fix the number of representatives for the city of Philadelphia and the several counties of the commonwealth, in pursuance of the provisions of the constitution: passed 27th February, 1801; recorded in law book No. VIII. page 10; obsolete.
2203. An act to tax the office of the prothonotary or clerk of the supreme court: passed 5th December, 1801; recorded in law book No. VIII. page 16; repealed and supplied.
2204. An act for the relief of Edmund Milne: passed 19th December, 1801; recorded in law book No. VIII. page 17; private act; obsolete.
1802. 2215. An act to extend the time for patenting lands, and for other purposes: passed 26th January, 1802; recorded in law book No. VIII. page 27; expired.
2217. An act for the relief of Peter Williams: passed 2d February, 1802; recorded in law book No. VIII. page 30; obsolete.
2218. An act further to encourage the killing of wolves: passed 2d February, 1802; recorded in law book No. VIII. page 30; expired; supplied.
2219. An act to authorize the sale of the estate of Catharine Erringer, a lunatic, and for other purposes therein mentioned: passed 2d February, 1802; recorded in law book No. VIII. page 31; private act; obsolete.
2222. An act for the relief of William Hill of the state of Massachusetts, and Esther his wife, and to confirm in Burton Wallace and his heirs for ever, the title to a certain messuage and lot of ground therein mentioned: passed 3d February, 1802; recorded in law book No. VIII. page 36; private act; obsolete.
2223. An act to facilitate the settlement of the accounts of the former and present county treasurers, for arrears of state taxes: passed 5th February, 1802; recorded in law book No. VIII. page 41; obsolete.
2226. An act for the relief of John Berrell: passed 19th February, 1802; recorded in law book No. VIII. page 44; private act; obsolete.
2231. An act for the relief of Michael Cox: passed 19th February, 1802; recorded in law book No. VIII. page 49; private act; obsolete.
2232. An act to enable James Wickersham, Samuel Garretson and Ezekiel Kirk, to convey a certain piece of land in the township of Newbury, York county: passed 19th February, 1802; recorded in law book No. VIII. page 51; private act; obsolete.
2236. An act to provide for the education of poor children gratis: passed 1st March, 1802; recorded in law book No. VIII. page 60; expired; supplied.
2243. An act for the relief of divers inhabitants of the county of Adams: passed 12th March, 1802; recorded in law book No. VIII. page 69; expired.

A. D.

1802. CHAP. 2245. A supplement to the act, entitled, "An act to authorize the governor of this commonwealth, to incorporate a company for erecting a bridge over the river Delaware at the borough of Easton, in the county of Northampton:" passed 12th March, 1802; recorded in law book No. VIII. page 65; expired.
2248. An act for the relief of Lewis Garanger: passed 17th March, 1802; recorded in law book No. VIII. page 73; private act; obsolete.
2249. An act to enable the trustees of the religious society of Moravians or United Brethren, in Mountjoy township, Lancaster county, to convey certain land therein mentioned, to Henry Meyer: passed 17th March, 1802; recorded in law book No. VIII. page 73; private act; obsolete.
2252. An act to empower the trustees of the English Presbyterian church in Allen township, in the county of Northampton, to make conveyance and assurance of the tract or piece of land therein mentioned: passed 23d March, 1802; recorded in law book No. VIII. page 76; obsolete.
2253. An act to revive and continue an act, entitled, "An act to enable the governor of this commonwealth to incorporate a company for opening a canal and water communication between the rivers Delaware and Schuylkill, and for other purposes therein mentioned:" and also, "An act to enable the governor of this commonwealth to incorporate a company for opening a canal and lock navigation, between the rivers Schuylkill and Susquehanna, by the waters of Tulpehoccon, Quittapahilla and Swatara, in the counties of Berks and Dauphin:" passed 23d March, 1802; recorded in law book No. VIII. page 86; expired.
2254. An act to continue certain suits entered in the court of common pleas for the county of Westmoreland, in the name of Thomas Mifflin, late governor, and John Nicholson, late comptroller-general of Pennsylvania: passed 23d March, 1802; recorded in law book No. VIII. page 71; obsolete.
2255. An act to enable general John Steele and William Calhoun, to sell and convey and certain tract of land therein mentioned: passed 23d March, 1802; recorded in law book No. VIII. page 76; obsolete.
2258. An act authorizing the comptroller and register-generals, to receive certain evidences of state debt due to individuals, in discharge of the sureties of the former comptroller-general, John Nicholson: passed 29th March, 1802; recorded in law book No. VIII. page 92; obsolete.
2259. An act for the relief of the estate of Sarah Caldwell: passed 29th March, 1802; recorded in law book No. VIII. page 91; private act; obsolete.
2262. An act for the relief of Isaac Wiley and James Calhoun: passed 29th March, 1802; recorded in law book No. VIII. page 89; private act; obsolete.
2265. An act dissolving the marriage between David M'Kissick and Margaret his wife: passed 2d April, 1802; recorded in law book No. VIII. page 103; private act; obsolete.
2271. An act to dissolve the marriage contract between John Kunius, and Bathsheba his wife, late Bathsheba Troth: passed 2d April, 1802; recorded in law book No. VIII. page 106; private act; obsolete.
2272. A further supplement to the act, entitled, "An act to establish the judicial courts of this commonwealth:" passed 2d April, 1802; recorded in law book No. VIII. page 111; expired.
2280. An act authorizing the comptroller-general and register-general to liquidate and settle certain expenses incurred under the act, entitled, "An act supplementary to an act, entitled, "An act to prevent intrusions on lands within the counties of Northampton, Northumberland and Luzerne, and for other purposes therein mentioned:" passed 5th April, 1802; recorded in law book No. VIII. page 122; obsolete.

A. D.

1802. CHAP. 2281. An act to provide for the removal of the seat of justice in Wayne county, and for other purposes; passed 5th April, 1802; recorded in law book No. VIII. page 124; obsolete.
2285. An act to establish the places for holding the courts of justice in the counties of Armstrong, Butler, and Mercer: passed 6th April, 1802; recorded in law book No. VIII. page 193; obsolete.
2286. An act to provide for the distribution of the laws and journals of the general assembly of this commonwealth; passed 6th April, 1802; recorded in law book No. VIII. page 187; obsolete.
2291. An act for the regulation of the militia of the commonwealth of Pennsylvania: passed 6th April, 1802; recorded in law book No. VIII. page 128; repealed 9th April, 1809.
2292. An act to authorize the governor to subscribe for a certain number of copies of the laws of this commonwealth: passed 6th April, 1802; recorded in law book No. VIII. page 181; obsolete.
2295. An act to provide for the payment of certain expenses of the executive department, and for other purposes: passed 6th April, 1802; recorded in law book No. VIII. page 194; obsolete.



# CONSTITUTION

OF THE

## UNITED STATES OF AMERICA.

The Constitution framed for the United States of America, by a Convention of Deputies from the States of New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, at a Session begun May 25, and ended September 17, 1787.

*WE, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.*

### ARTICLE I.

#### SECTION I.

Legislative power.

All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

#### SECTION II.

Of the house of representatives.

I. The house of representatives shall be composed of members chosen every second year, by the people of the several states: and the electors in each state, shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

Qualification of the members.

II. No person shall be a representative, who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States; and who shall not when elected, be an inhabitant of that state in which he shall be chosen.

Representation and direct taxes, how to be apportioned. Enumeration.

III. Representatives and direct taxes shall be apportioned, among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand: but each state shall have at least one representative: and, until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three; Massachusetts eight; Rhode Island and Providence plantations one; Connecticut five; New York six; New Jersey four; Pennsylvania eight; Delaware one; Maryland six; Virginia ten; North Carolina five; South Carolina five; and Georgia three.

Future ratio of representation and population. Present ratio.

Of vacancies.

IV. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

Of the officers, and power of impeachment.

V. The house of representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

## SECTION III.

I. The senate of the United States shall be composed of two senators of the Senate from each state, chosen by the legislature thereof for six years : and each senator shall have one vote.

II. Immediately after they shall be assembled, in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year ; of the second class, at the expiration of the fourth year ; and of the third class, at the expiration of the sixth year : so that one third may be chosen every second year. And if vacancies happen, by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies. Of classing the members.  
Of vacancies.

III. No person shall be a senator, who shall not have attained to the age of thirty years, and been nine years a citizen of the United States ; and who shall not, when elected, be an inhabitant of that state for which he shall be chosen. Qualifications of Senators.

IV. The vice-president of the United States shall be president of the senate, but shall have no vote unless they be equally divided. Of the Vice-President.

V. The senate shall choose their other officers, and also a president pro tempore, in the absence of the vice-president, or when he shall exercise the office of president of the United States. Of the officers of the Senate.

VI. The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside : and no person shall be convicted, without the concurrence of two thirds of the members present. Of the power to try impeachments :  
Proceedings therein ;

VII. Judgment, in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honour, trust, or profit, under the United States. But the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment according to law. and judgment.

## SECTION IV.

I. The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof : but the congress may, at any time, by law, make or alter such regulations, except as to the places of choosing senators. Of elections.

II. The congress shall assemble at least once in every year ; and such meeting shall be on the first Monday in December, unless they shall, by law, appoint a different day. Of the meeting of congress.

## SECTION V.

I. Each house shall be the judge of the elections, returns, and qualifications of its own members ; and a majority of each shall constitute a quorum to do business : but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide. Of the powers of the houses respectively.

II. Each house may determine the rules of its proceedings ; punish its members for disorderly behaviour ; and, with the concurrence of two-thirds, expel a member.

III. Each house shall keep a journal of its proceedings, and, from time to time, publish the same, excepting such parts as may in their judgment require secrecy : and the yeas and nays, of the members of either house, on any question shall, at the desire of one fifth of those present, be entered on the journal. Of the publication of the journals.

IV. Neither house during the session of congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting. Of adjournment.

## SECTION VI.

I. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of Compensation and privileges.



the peace, be privileged from arrest, during their attendance at the session of their respective houses, and in going to, and returning from the same : and for any speech or debate in either house, they shall not be questioned in any other place.

Exclusion  
from certain  
offices,

and disquali-  
fication by  
office.

II. No senator or representative shall, during the time for which he was elected, be appointed to any civil office, under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time : and no person, holding any office under the United States, shall be a member of either house, during his continuance in office.

#### SECTION VII.

Of revenue  
bills.

I. All bills, for raising revenue, shall originate in the house of representatives: but the senate may propose or concur with amendments, as on other bills.

Forms of pro-  
ceeding in  
passing bills,

II. Every bill, which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the president of the United States. If he approve, he shall sign it : but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent together with the objections, to the other house, by which it shall likewise be reconsidered : and, if approved by two-thirds of that house, it shall become a law. But, in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for and against the bill, shall be entered on the journal of each house, respectively. If any bill shall not be returned by the president, within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the congress by their adjournment, prevent its return ; in which case it shall not be a law.

orders, reso-  
lutions, or  
votes.

III. Every order, resolution, or vote, to which the concurrence of the senate and house of representatives may be necessary (except on a question of adjournment) shall be presented to the president of the United States; and before the same shall take effect, shall be approved by him; or, being disapproved by him, shall be re-passed by two-thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

#### SECTION VIII.

The congress shall have power—

General  
powers of  
Congress.

I. To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence, and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States.

II. To borrow money on the credit of the United States.

III. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

IV. To establish an uniform rule of naturalization ; and uniform laws on the subject of bankruptcies, throughout the United States.

V. To coin money, regulate the value thereof, and of foreign coin ; and fix the standard of weights and measures.

VI. To provide for the punishment of counterfeiting the securities and current coin of the United States.

VII. To establish post offices and post roads.

VIII. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.

IX. To constitute tribunals inferior to the supreme court.

X. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations.

XI. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

XII. To raise and support armies; but no appropriation of money to that use, shall be for a longer term than two years.

XIII. To provide and maintain a navy.



xiv. To make rules for the government and regulation of the land and naval forces.

xv. To provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions.

xvi. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States; reserving to the states respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress.

xvii. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of congress, become the seat of the government of the United States; and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and

Exclusive jurisdiction of congress.

xviii. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or any department or officer thereof.

General powers to carry into execution the constitution.

#### SECTION IX.

I. The migration or importation of such persons, as any of the states now existing shall think proper to admit, shall not be prohibited by the congress, prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Restrictions on the powers of congress.

II. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

III. No bill of attainder, or ex post facto law, shall be passed.

IV. No capitation, or other direct tax, shall be laid, unless in proportion to the census, or enumeration herein before directed to be taken.

V. No tax or duty shall be laid on articles exported from any state. No preference shall be given, by any regulation of commerce or revenue, to the ports of one state, over those of another: nor shall vessels, bound to or from one state, be obliged to enter, clear, or pay duties in another.

VI. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

VII. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

#### SECTION X.

I. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

Restrictions on the powers of the several states.

II. No state shall, without the consent of the congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and controul of the congress. No state shall, without the consent of congress, lay any duty on tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

### ARTICLE II.

#### SECTION I.

I. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and,

of the executive power.

together with the vice-president, chosen for the same term, be elected as follows :

Of the mode  
of election,

II. Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives, to which the state may be entitled in the congress. But no senator or representative, or person holding an office of trust or profit, under the United States, shall be appointed an elector.

and proceed-  
ings therein.

III. The electors shall meet in their respective states, and vote, by ballot, for two persons, of whom one, at least, shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each ; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed ; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose, by ballot, one of them for president : and if no person have a majority, then, from the five highest on the list, the said house shall in like manner choose the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote : a quorum for this purpose shall consist of a member or members from two-thirds of the states : and a majority of all the states shall be necessary to a choice. In every case after the choice of the president, the person having the greatest number of votes of the electors, shall be the vice-president. But if there should remain two or more, who have equal votes, the senate shall choose from them, by ballot, the vice-president.

Of the vice-  
president.

IV. The congress may determine the time of choosing the electors, and the day on which they shall give their votes ; which day shall be the same throughout the United States.

Of the quali-  
fications of  
the presi-  
dent.

V. No person, except a natural born citizen, or a citizen of the United States, at the time of the adoption of this constitution, shall be eligible to the office of president. Neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the  
president's  
death, &c.  
or the ab-  
sence, &c.  
of president  
and vice-pre-  
sident.

VI. In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president ; and the congress may, by law, provide for the case of removal, death, resignation, or inability, both of the president and vice-president, declaring what officer shall then act as president : and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

President's  
compensa-  
tion.

VII. The president shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished, during the period for which he shall have been elected : and he shall not receive, within that period, any other emolument from the United States, or any of them.

VIII. Before he enter on the execution of his office, he shall take the following oath or affirmation :

His oath.

" I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States ; and will, to the best of my ability, preserve, protect, and defend the constitution of the United States."

## SECTION II.

General pow-  
ers of the  
president.

I. The president shall be commander in chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States. He may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices : and he shall have power to grant reprieves and pardons, for offences against the United States, except in cases of impeachment.

II. He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur : and he shall nominate, and by and with the advice and consent of the senate, shall



appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the congress may, by law, vest the appointment of such inferior officers, as they think proper, in the president alone, in the courts of law, or in the heads of departments.

III. The president shall have power to fill up all vacancies that may happen, during the recess of the senate, by granting commissions, which shall expire at the end of their next session.

### SECTION III.

He shall, from time to time, give to the congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient. He may, on extraordinary occasions, convene both houses or either of them; and, in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper. He shall receive ambassadors and other public ministers. He shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

Further powers and duties.

### SECTION IV.

The president, vice-president, and all civil officers of the United States, shall be removed from office, on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

Of impeachment.

## ARTICLE III.

### SECTION I.

The judicial power of the United States shall be vested in one supreme court, and in such inferior courts, as the congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

Of the judicial power, how constituted.

### SECTION II.

I. The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases, affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

Its extent.

II. In all cases, affecting ambassadors, other public ministers, and consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the congress shall make.

Of original and appellate jurisdiction.

III. The trial of all crimes, except in cases of impeachment, shall be by jury and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places, as the congress may by law have directed.

Of trial by jury.

### SECTION III.

I. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Of treason.

II. The congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

## ARTICLE IV.

## SECTION I.

Of records,  
&c.

Full faith and credit shall be given, in each state, to the public acts, records, and judicial proceedings of every other state. And the congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

## SECTION II.

Of citizen-  
ship.

i. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

Of fugitive  
criminals.

ii. A person charged in any state with treason, felony or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

Of persons  
held to ser-  
vice.

iii. No person, held to service or labour in one state under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labour; but shall be delivered up, on claim of the party to whom such service or labour may be due.

## SECTION III.

Of new  
states.

i. New states may be admitted by the congress into this union; but no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the congress.

Of the terri-  
tory of the  
United  
States.

ii. The congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States: and nothing in this constitution shall be so construed, as to prejudice any claims of the United States, or of any particular state.

## SECTION IV.

Form of re-  
publican go-  
vernment  
guaranteed  
to the sever-  
al states.

The United States shall guarantee to every state in this union, a republican form of government; and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

## ARTICLE V.

Of amend-  
ments to the  
constitution.

The congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments; which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the congress; provided, that no amendment, which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

## ARTICLE VI.

Of former  
debts.

i. All debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the United States, under this constitution, as under the confederation.

Force of the  
constitution,  
laws and  
treaties of  
the United  
States.

ii. This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the Judges, in every state, shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.

Of a political  
test.

iii. The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound, by oath or affirmation, to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Of a religious  
test.



## ARTICLE VII.

The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same. Of the ratification of the constitution.

Done in convention by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

GEORGE WASHINGTON, *President,*  
and *Deputy from Virginia.*

*New-Hampshire.*

John Langdon,  
Nicholas Gilman,

*Massachusetts.*

Nathaniel Gorham,  
Rufus King.

*Connecticut.*

William Samuel Johnson,  
Roger Sherman.

*New-York.*

Alexander Hamilton.

*New-Jersey.*

William Livingston,  
David Brearly,  
William Paterson,  
Jonathan Dayton.

*Pennsylvania.*

Benjamin Franklin,  
Thomas Mifflin,  
Robert Morris,  
George Clymer,  
Thomas Fitzsimons,  
Jared Ingersoll,  
James Wilson,  
Gouverneur Morris.

*Delaware.*

George Reed,  
Gunning Bedford, jun.  
John Dickinson,  
Richard Basset,  
Jacob Broom.

*Maryland.*

James M<sup>c</sup>Henry,  
Daniel of St. Thomas Jenifer,  
Daniel Carroll.

*Virginia.*

John Blair,  
James Madison, jun.

*North-Carolina.*

William Blount,  
Richard Dobbs Spaight,  
Hugh Williamson.

*South-Carolina.*

John Rutledge,  
Charles Cotesworth Pinckney,  
Charles Pinckney,  
Pierce Butler.

*Georgia.*

William Few,  
Abraham Baldwin.

*Attest,*

WILLIAM JACKSON, *Secretary.*

## AMENDMENTS.

The following articles in addition to, and amendment of, the constitution of the United States, having been ratified by the legislatures of nine states, are equally obligatory with the constitution itself.

ART. I. After the first enumeration required by the first article of the constitution, there shall be one representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by congress, that there shall be not less than one hundred representatives, nor less than one representative for every forty thousand persons, until the number of representatives shall amount to two hundred; after which the proportion shall be so regulated by congress, that there shall not be less than two hundred representatives, nor more than one representative for every fifty thousand persons. Of representation.

II. No law varying the compensation for the services of the senators and representatives shall take effect, until an election of representatives shall have intervened. Of the compensation of members of congress.

Of the rights  
of conscience  
freedom of  
the press,  
&c.

III. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Of the right  
to bear arms.

IV. A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

Of quarter-  
ing troops.

V. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

Of the right  
to be secure  
from search-  
es, seizures,  
and general  
warrants.

VI. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Of indiet-  
ments, pun-  
ishments,  
&c.

VII. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces or in the militia, when in actual service, in time of war, or public danger: nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Of trial in  
criminal  
cases, and  
the rights of  
a defendant.

VIII. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury, of the state and district, wherein the crime shall have been committed; which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour; and to have the assistance of counsel for his defence.

Of trial in  
civil cases.

IX. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

Of bail, fines,  
and punish-  
ments.

X. Excessive bail shall not be required; nor excessive fines imposed; nor cruel and unusual punishments inflicted.

Of rights re-  
served.

XI. The enumeration, in the constitution of certain rights, shall not be construed to deny or disparage others, retained by the people.

Of powers  
reserved.

XII. The powers, not delegated to the United States, by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Of the extent  
of the judi-  
cial power.

XIII. The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

Of the elec-  
tion of pre-  
sident and  
vice-presi-  
dent.

XIV. The electors shall meet in their respective states, and vote by ballot for president and vice-president, one of whom, at least shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the president of the senate; the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted: the person having the greatest number of votes for president shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as president, the house of Representatives, shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice

shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president, as in the case of the death or other constitutional disability of the president.

The person having the greatest number of votes as vice-president, shall be vice-president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the vice-president: a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of President shall be eligible to that of vice-president of the United States.

*Note. The following amendment was ratified by Pennsylvania, by an act passed 6th February, 1811, and has also been ratified by several of the other states; and there is little doubt but that it has, or will become part of the constitution.*

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honour, or shall without the consent of congress, accept and retain any present, pension, office or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit, under them or either of them. of titles of nobility, &c



# CONSTITUTION

OF THE

## STATE OF PENNSYLVANIA.

The Constitution of the Commonwealth of Pennsylvania, as ratified in Convention, the 2d day of September, 1790.

*We, the people of the commonwealth, of Pennsylvania, ordain and establish this Constitution for its Government.*

### ARTICLE I.

Of the legislative power.

Of the election of Representatives.

Of the qualification of Representatives.

Of the periods of enumeration,

and the ratio of representation.

Of the election of senators.

Of the ratio of representation in the senate.

Of districts for electing senators.

Of the qualification of senators.

SECT. I. The legislative power of this commonwealth shall be vested in a general assembly, which shall consist of a senate and house of representatives.

II. The representatives shall be chosen annually, by the citizens of the city of Philadelphia, and of each county respectively, on the second Tuesday of October.

III. No person shall be a representative, who shall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the state three years next preceding his election, and the last year thereof an inhabitant of the city or county, in which he shall be chosen; unless he shall have been absent on the public business of the United States, or of this state. No person, residing within any city, town, or borough, which shall be entitled to a separate representation, shall be elected a member for any county; nor shall any person, residing without the limits of any such city, town or borough, be elected a member therefor.

IV. Within three years after the first meeting of the general assembly, and within every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made, in such manner as shall be directed by law. The number of representatives shall, at the several periods of making such enumeration, be fixed by the legislature, and apportioned among the city of Philadelphia, and the several counties, according to the number of taxable inhabitants in each; and shall never be less than sixty, nor greater than one hundred. Each county shall have, at least, one representative: but no county, hereafter erected, shall be entitled to a separate representation, until a sufficient number of taxable inhabitants shall be contained within it, to entitle them to one representative agreeably to the ratio, which shall then be established.

V. The senators shall be chosen for four years, by the citizens of Philadelphia, and of the several counties, at the same time, in the same manner, and at the same places, where they shall vote for representatives.

VI. The number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the legislature, and apportioned among the districts formed as herein after directed, according to the number of taxable inhabitants in each; and shall never be less than one-fourth, nor greater than one-third, of the number of representatives.

VII. The senators shall be chosen in districts, to be formed by the legislature; each district containing such a number of taxable inhabitants, as shall be entitled to elect not more than four senators. When a district shall be composed of two or more counties, they shall be adjoining. Neither the city of Philadelphia, nor any county, shall be divided, in forming a district.

VIII. No person shall be a senator, who shall not have attained the age of twenty-five years, and have been a citizen and inhabitant of the state four years next before his election, and the last year thereof an inhabitant of the district, for which he shall be chosen; unless he shall have been absent on the public business of the United States, or of this state.



ix. Immediately after the senators shall be assembled, in consequence of the first election, subsequent to the first enumeration, they shall be divided, by lot, as equally as may be, into four classes. The seats of the senators of the first class shall be vacated, at the expiration of the first year; of the second class, at the expiration of the second year; of the third class at the expiration of the third year, and of the fourth class, at the expiration of the fourth year; so that one fourth may be chosen every year.

Of classing  
the senators.

x. The general assembly shall meet on the first Tuesday of December in every year; unless sooner convened by the governor.

Of the meet-  
ing of the  
general as-  
sembly.  
Of the offi-  
cers of each  
house.

xi. Each house shall choose its speaker and other officers; and the senate shall also choose a speaker, *pro tempore*, when the speaker shall exercise the office of governor.

xii. Each house shall judge of the qualifications of its members. Contested elections shall be determined by a committee to be selected, formed and regulated in such manner as shall be directed by law. A majority of each house shall constitute a quorum to do business: but a smaller number may adjourn from day to day, and may be authorized, by law, to compel the attendance of absent members, in such manner, and under such penalties, as may be provided.

Of the pow-  
ers of each  
house.

xiii. Each house may determine the rules of its proceedings; punish its members for disorderly behaviour; and, with the concurrence of two-thirds, expel a member; but not a second time for the same cause; and shall have all other powers necessary for a branch of the legislature of a free state.

Of censure  
and expul-  
sion.

xiv. Each house shall keep a journal of its proceedings, and publish them weekly, except such parts as may require secrecy. And the yeas and nays of the members, on any question, shall, at the desire of any two of them, be entered on the journals.

Of journals.

xv. The doors of each house, and of committees of the whole, shall be open, unless when the business shall be such as ought to be kept secret.

The doors to  
be open.

xvi. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Of adjourn-  
ments.

xvii. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the commonwealth. They shall in all cases, except treason, felony, and breach or surety of the peace, be privileged from arrest, during their attendance at the session of the respective houses, and in going to and returning from the same: And for any speech or debate in either house they shall not be questioned in any other place.

Of the com-  
pensation  
and privileg-  
es of mem-  
bers.

xviii. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this commonwealth, which shall have been created, or the emoluments of which shall have been increased, during such time; and no member of congress, or other person holding any office (except of attorney at law, and in the militia) under the United States or this commonwealth, shall be a member of either house, during his continuance in congress, or in office.

Of the dis-  
qualifica-  
tions of  
members.

xix. When vacancies happen in either house, the speaker shall issue writs of election to fill such vacancies.

Of vacancies.

xx. All bills, for raising revenue shall originate in the house of representatives; but the senate may propose amendments, as in other bills.

Of revenue  
bills.

xxi. No money shall be drawn from the treasury, but in consequence of appropriations made by law.

Of the trea-  
sury.

xxii. Every bill, which shall have passed both houses, shall be presented to the governor: If he approve, he shall sign it; but if he shall not approve, he shall return it, with his objections to the house, in which it shall have originated, who shall enter the objections at large upon their journals, and proceed to re-consider it: If, after such re-consideration, two-thirds of that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which likewise it shall be re-considered; and if approved by two-thirds of that house, it shall be a law. But in such cases, the votes of both houses shall be determined by yeas and nays: and the names of the persons voting for or against the bill, shall be entered on the journals of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him; it shall

Of the pro-  
ceedings  
upon bills,

be a law, in like manner as if he had signed it, unless the general assembly, by their adjournment, prevent its return; in which case it shall be a law, unless sent back within three days after their next meeting.

orders, resolutions, and votes.

XXIII. Every order, resolution, or vote, to which the concurrence of both houses may be necessary (except on a question of adjournment,) shall be presented to the governor; and, before it shall take effect, be approved by him, or, being disapproved, shall be re-passed by two thirds of both houses, according to the rules and limitations prescribed in case of a bill.

## ARTICLE II.

Of the executive power.

SECT. I. The supreme executive power of this commonwealth shall be vested in a governor.

Of the election of the governor.

II. The governor shall be chosen on the second Tuesday of October, by the citizens of the commonwealth, at the places where they shall respectively vote for representatives. The returns of every election for governor shall be sealed up, and transmitted to the seat of government, directed to the speaker of the senate, who shall open and publish them, in the presence of the members of both houses of the legislature. The person having the highest number of votes, shall be governor. But if two or more shall be equal and highest in votes, one of them shall be chosen governor, by the joint vote of the members of both houses. Contested elections shall be determined by a committee, to be selected from both houses of the legislature, and formed and regulated in such manner as shall be directed by law.

Of his continuance in office.

III. The governor shall hold his office during three years from the third Tuesday of December next ensuing his election; and shall not be capable of holding it longer than nine in any term of twelve years.

Of his qualifications.

IV. He shall be at least thirty years of age, and have been a citizen and inhabitant of this state seven years next before his election; unless he shall have been absent on the public business of the United States, or of this state.

Of persons disqualified to be Governor.

V. No member of congress, or person holding any office under the United States, or this state, shall exercise the office of governor.

Of his compensation.

VI. The governor shall, at stated times, receive, for his services, a compensation which shall be neither increased nor diminished during the period for which he shall have been elected.

Of his military power.

VII. He shall be commander in chief of the army and navy of this commonwealth, and of the militia; except when they shall be called into the actual service of the United States.

Of his general powers and duties.

VIII. He shall appoint all officers, whose offices are established by this constitution, or shall be established by law, and whose appointments are not herein otherwise provided for; but no person shall be appointed to an office within any county, who shall not have been a citizen and inhabitant therein one year next before his appointment, if the county shall have been so long erected, but if it shall not have been so long erected, then within the limits of the county or counties, out of which it shall have been taken. No member of congress from this state, nor any person holding or exercising any office of trust on profit under the United States, shall, at the same time, hold or exercise the office of judge, secretary, treasurer, prothonotary, register of wills, recorder of deeds, sheriff, or any office in this state, to which a salary is by law annexed, or any other office which future legislatures shall declare incompatible with offices or appointments under the United States.

Of pardons, &c.

IX. He shall have power to remit fines and forfeitures, and grant reprieves and pardons, except in cases of impeachment.

Of obtaining information.

X. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices.

Of giving information of the state of the commonwealth.

XI. He shall, from time to time, give to the general assembly information of the state of the commonwealth, and recommend to their consideration such measures as he shall judge expedient.

Of convening and adjourning the legislature.

XII. He may on extraordinary occasions, convene the general assembly; and, in case of disagreement between the two houses, with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding four months.

In case of death, the

XIII. He shall take care that the laws be faithfully executed.

XIV. In case of the death or resignation of the governor, or of his removal from office the speaker of the senate shall exercise the office of governor,



until another governor shall be duly qualified. And if the trial of a contested election shall continue longer than until the third Tuesday in December next ensuing the election of governor, the governor of the last year, or the speaker of the senate, who may be in the exercise of the executive authority, shall continue therein, until the determination of such contested election, and until a governor shall be qualified as aforesaid.

speaker of the senate shall exercise his office.  
Of a contested election.

xv. A secretary shall be appointed and commissioned during the governor's continuance in office, if he shall so long behave himself well. He shall keep a fair register of all the official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes and vouchers, relative thereto, before either branch of the legislature; and shall perform such other duties as shall be enjoined him by law.

Of the secretary of the commonwealth.

### ARTICLE III.

SECT. I. In elections by the citizens, every freeman, of the age of twenty-one years, having resided in the state two years next before the election, and within that time paid a state or county tax, which shall have been assessed at least six months before the election, shall enjoy the rights of an elector—provided, that the sons of persons qualified as aforesaid, between the ages of twenty-one and twenty-two years, shall be entitled to vote, although they shall not have paid taxes.

Of elections.

II. All elections shall be by ballot, except those by persons in their representative capacities, who shall vote *viva voce*.

III. Electors shall, in all cases except treason, felony and breach or surety of the peace, be privileged from arrest during their attendance on elections, and in going to and returning from them.

### ARTICLE IV.

SECT. I. The house of representatives shall have the sole power of impeaching.

Of impeachment.

II. All impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the members present.

III. The governor, and all other civil officers, under this commonwealth, shall be liable to impeachment for any misdemeanor in office. But judgment, in such cases, shall not extend further than to removal from office, and disqualification to hold any office of honour, trust or profit, under this commonwealth. The party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment, and punishment according to law.

### ARTICLE V.

SECT. I. The judicial power of this commonwealth shall be vested in a supreme court, in courts of oyer and terminer and general gaol delivery, in a court of common pleas, orphans' court, register's court, and a court of quarter sessions of the peace for each county, in justices of the peace, and in such other courts as the legislature may, from time to time, establish.

Of the judicial power.

II. The judges of the supreme court, and of the several courts of common pleas, shall hold their offices during good behaviour. But for any reasonable cause, which shall not be sufficient ground of impeachment, the governor may remove any of them, on the address of two thirds of each branch of the legislature. The judges of the supreme court, and the presidents of the several courts of common pleas shall, at stated times, receive, for their services, an adequate compensation, to be fixed by law, which shall not be diminished during their continuance in office: but they shall receive no fees or perquisites of office, nor hold any other office of profit under this commonwealth.

Of the supreme court,

its judges,

III. The jurisdiction of the supreme court shall extend over the state: and the judges thereof shall, by virtue of their offices, be justices of oyer and terminer and general gaol delivery in the several counties.

and its jurisdiction.

IV. Until it shall be otherwise directed by law, the several courts of common pleas shall be established in the following manner: the governor shall appoint in each county, not fewer than three, nor more than four judges, who, during their continuance in office, shall reside in such county. The state shall be divided by law, into circuits, none of which shall include more than

Of courts of common pleas,



SIX, nor fewer than three counties. A president shall be appointed of the courts in each circuit, who during his continuance in office, shall reside therein. The president and judges, any two of whom shall be a quorum, shall compose the respective courts of common pleas.

and the jurisdiction of its judges.

v. The judges of the court of common pleas in each county, shall, by virtue of their offices, be justices of oyer and terminer and general gaol delivery, for the trial of capital and other offenders therein: any two of the said judges, the president being one, shall be a quorum; but they shall not hold a court of oyer and terminer or gaol delivery in any county, when the judges of the supreme court, or any of them, shall be sitting in the same county. The party accused, as well as the commonwealth, may, under such regulations, as shall be prescribed by law, remove the indictment and proceedings, or a transcript thereof, into the supreme court.

Of chancery powers vested in the courts,

vi. The supreme court and the several courts of common pleas, shall, beside the powers heretofore usually exercised by them, have the power of a court of chancery, so far as relates to the perpetuating of testimony, the obtaining of evidence from places not within the state, and the care of the persons and estates of those, who are *non compos mentis*; and the legislature shall vest, in the said courts, such other powers, to grant relief in equity, as shall be found necessary; and may, from time to time, enlarge or diminish those powers, or vest them in such other courts as they shall judge proper, for the due administration of justice.

Of the quarter sessions, orphans' court and register's court.

vii. The judges of the court of common pleas of each county, any two of whom shall be a quorum, shall compose the court of quarter sessions of the peace, and orphans' court thereof: and the register of wills, together with the said judges, or any two of them, shall compose the register's court of each county.

Of writs of certiorari.

viii. The judges of the courts of common pleas shall, within their respective counties, have the like powers with the judges of the supreme court, to issue writs of certiorari to the justices of the peace, and to cause their proceedings to be brought before them, and the like right and justice to be done.

Further powers of the judges of the common pleas. Of justices of the peace.

ix. The president of the courts in each circuit, within such circuit, and the judges of the court of common pleas, within their respective counties, shall be justices of the peace so far as relates to criminal matters.

x. The governor shall appoint a competent number of justices of the peace, in such convenient districts, in each county, as are or shall be directed by law; they shall be commissioned during good behaviour; but may be removed on conviction of misbehaviour in office, or of any infamous crime, or on the address of both houses of the legislature.

Of registers and recorders.

xi. A register's office for the probate of wills and granting letters of administration, and an office for the recording of deeds, shall be kept in each county.

Of the style of process, &c.

xii. The style of all process shall be, **THE COMMONWEALTH OF PENNSYLVANIA**; all prosecutions shall be carried on in the name and by the authority of the commonwealth of Pennsylvania, and conclude, **AGAINST THE PEACE AND DIGNITY OF THE SAME**.

## ARTICLE VI.

Of sheriffs and coroners.

SECT. I. Sheriffs and coroners shall, at the times and places of election of representatives, be chosen by the citizens of each county. Two persons shall be chosen for each office, one of whom, for each respectively, shall be appointed by the governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until a successor be duly qualified: but no person shall be twice chosen or appointed sheriff in any term of six years. Vacancies in either of the said offices, shall be filled by a new appointment, to be made by the governor, to continue until the next general election, and until a successor shall be chosen and qualified as aforesaid.

Of the militia.

II. The freemen of this commonwealth shall be armed and disciplined for its defence. Those, who conscientiously scruple to bear arms, shall not be compelled to do so; but shall pay an equivalent for personal service. The militia officers shall be appointed, in such manner, and for such time, as shall be directed by law.

III. Prothonotaries, clerks of the peace and orphans' courts, recorders of

deeds, registers of wills and sheriffs, shall keep their offices in the county town of the county in which they respectively shall be officers; unless when the governor shall, for special reasons, dispense therewith, for any term, not exceeding five years, after the county shall have been erected.

Of the place of keeping public offices.

IV. All commissions shall be in the name and by the authority of the commonwealth of Pennsylvania, and be sealed with the state seal, and signed by the governor.

Of commissions.

V. The state treasurer shall be appointed, annually, by the joint vote of the members of both houses. All other officers, in the treasury department, attorneys at law, election officers, officers relating to taxes, to the poor and highways, constables and other township officers, shall be appointed in such manner as is or shall be directed by law.

Of the appointment of the treasurer, &c.

## ARTICLE VII.

SECT. I. The legislature shall, as soon as conveniently may be, provide, by law, for the establishment of schools throughout the state, in such manner that the poor may be taught gratis.

Of public schools.

II. The arts and sciences shall be promoted in one or more seminaries of learning.

Of literature,

III. The rights, privileges, immunities, and estates of religious societies and corporate bodies, shall remain, as if the constitution of this state had not been altered or amended.

and the rights of corporate bodies.

## ARTICLE VIII.

Members of the general assembly, and all officers, executive and judicial, shall be bound by oath or affirmation, to support the constitution of this commonwealth, and to perform the duties of their respective offices with fidelity.

Of the political test and oath of office.

## ARTICLE IX.

*That the general, great and essential principles of liberty and free government may be recognized and unalterably established, WE DECLARE,*

I. That all men are born equally free and independent, and have certain inherent and inalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness.

Of the equality and rights of men.

II. That all power is inherent in the people; and all free governments are founded on their authority, and instituted for their peace, safety, and happiness. For the advancement of those ends, they have, at all times, an unalienable and inalienable right, to alter, reform, or abolish their government, in such manner as they may think proper.

Of the origin of power, and the end of government.

III. That all men have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences; that no man can, of right, be compelled to attend, erect, or support any place of worship, or to maintain any ministry, against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given, by law, to any religious establishments or modes of worship.

Of the rights of conscience, &c.

IV. That no person, who acknowledges the being of a God, and a future state of rewards and punishments, shall on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this commonwealth.

Of a disqualification on account of religion.

V. That elections shall be free and equal.

Of elections.

VI. That trial by jury shall be as heretofore, and the right thereof remain inviolate.

Trial by jury.

VII. That the printing presses shall be free to every person who undertakes to examine the proceedings of the legislature or any branch of government: and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man: and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty. In prosecutions for the publication of papers investigating the official conduct of officers, or men in a public

Of the liberty of the press.



capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence. And, in all indictments for libels, the jury shall have a right to determine the law and the facts under the direction of the court as in other cases.

**Of security from searches and seizures.** VIII. That the people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches and seizures: and that no warrant to search any place or to seize any person or things, shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation.

**Of the rights of the accused in criminal prosecutions.** IX. That, in all criminal prosecutions, the accused hath a right to be heard by himself and his counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favour; and, in prosecutions by indictment or information, a speedy public trial, by an impartial jury of the vicinage: that he cannot be compelled to give evidence against himself; nor can he be deprived of his life, liberty, or property, unless by the judgment of his peers, or the law of the land.

**Of informations, &c.** X. That no person shall, for any indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger, or, by leave of the court, for oppression and misdemeanor in office. No persons shall, for the same offence, be twice put in jeopardy of life or limb; nor shall any man's property be taken or applied to public use, without the consent of his representatives, and without just compensation being made.

**Of the courts of justice, and suits against the state.** XI. That all courts shall be open; and every man for an injury done him in his lands, goods, person, or reputation, shall have remedy by the due course of law, and right and justice administered without sale, denial, or delay. Suits may be brought against the commonwealth in such manner, in such courts, and in such cases, as the legislature may, by law, direct.

**Of suspending laws.** XII. That no power of suspending laws, shall be exercised unless by the legislature, or its authority.

**Of bail, fines, and punishments.** XIII. That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

**Of the habeas corpus.** XIV. That all prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

**Ofoyer andterminer, &c.** XV. That no commission of oyer and terminer or gaol delivery shall be issued.

**Of insolvent debtors.** XVI. That the person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison, after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

**Of ex post facto laws.** XVII. That no *ex post facto* law, nor any law impairing contracts, shall be made.

**Of attainder of treason and felony.** XVIII. That no person shall be attainted of treason or felony by the legislature.

**Of attainder, felo de se, and deodand.** XIX. That no attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate, to the commonwealth: that the estates of such persons, as shall destroy their own lives, shall descend or vest as in case of natural death: and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

**Of the right to assemble, petition, &c.** XX. That the citizens have a right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by petition, address, or remonstrance.

**To bear arms.** XXI. That the right of citizens to bear arms, in defence of themselves and the state, shall not be questioned.

**Of the military.** XXII. That no standing army shall, in time of peace, be kept up without the consent of the legislature; and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

**Of quartering troops.** XXIII. That no soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor, in time of war, but in a manner to be prescribed by law.

**Of titles and offices.** XXIV. That the legislature shall not grant any title of nobility or hereditary distinction, nor create any office, the appointment of which shall be for a longer term than during good behaviour.



xxv. That emigration from the state shall not be prohibited.

Of emigration.

xxvi. To guard against transgressions of the high powers which we have delegated, WE DECLARE, That every thing in this article is excepted out of the general powers of government, and shall for ever remain inviolate.

Exception from the general powers of government.

## SCHEDULE.

*That no inconvenience may arise from the alterations and amendments in the constitution of this commonwealth, and in order to carry the same into complete operation, it is hereby declared and ordained,—*

SECT. I. That all laws of this commonwealth, in force at the time of making the said alterations and amendments in the said constitution, and not inconsistent therewith, and all rights, actions, prosecutions, claims and contracts, as well of individuals, as of bodies corporate, shall continue as if the said alterations and amendments had not been made.

Of former laws, proceedings and contracts.

II. That the president and supreme executive council shall continue to exercise the executive authority of this commonwealth, as heretofore, until the third Tuesday of December next: but no intermediate vacancies in the council shall be supplied by new elections.

Of the executive council.

III. That all officers, in the appointment of the executive department, shall continue in the exercise of the duties of their respective offices, until the first day of September, one thousand seven hundred and ninety-one—unless their commissions shall sooner expire by their own limitations, or the said offices become vacant by death or resignation—and no longer, unless re-appointed and commissioned by the governor; except that the judges of the supreme court shall hold their offices for the terms in their commissions respectively expressed.

Officers in their appointment.

IV. That justice shall be administered in the several counties of the state until the period aforesaid, by the same justices, in the same courts, and in the same manner, as heretofore.

and the courts of justice continued pro tempore.

V. That no person, now in commission as sheriff, shall be eligible at the next election, for a longer term than will, with the time which he shall have served in the said office, complete the term of three years.

Of sheriffs in commission.

VI. That, until the first enumeration shall be made, as directed in the fourth section of the first article of the constitution, established by this convention, the city of Philadelphia and the several counties shall be respectively entitled to elect the same number of representatives, as is now prescribed by law.

Of the present ratio of representation.

VII. That the first senate shall consist of eighteen members, to be chosen in districts, formed as follows, to wit: the city of Philadelphia and the counties of Philadelphia and Delaware shall be a district, and elect three senators: the county of Chester shall be a district, and shall elect one senator: the county of Bucks shall be a district, and shall elect one senator: the county of Montgomery shall be a district, and shall elect one senator: the county of Northampton shall be a district, and shall elect one senator: the counties of Lancaster and York shall be a district, and shall elect three senators: the counties of Berks and Dauphin shall be a district, and shall elect two senators: the counties of Cumberland and Mifflin shall be a district, and shall elect one senator: the counties of Northumberland, Luzerne and Huntingdon, shall be a district, and shall elect one senator: the counties of Bedford and Franklin shall be a district, and shall elect one senator: the counties of Westmoreland and Allegheny shall be a district, and shall elect one senator: and the counties of Washington and Fayette shall be a district, and shall elect two senators: which senators shall serve until the first enumeration before mentioned shall be made, and the representation in both houses of the legislature shall be established by law, and chosen as in the constitution is directed. Any vacancies, which shall happen in the senate, within the said time, shall be supplied as prescribed in the nineteenth section of the first article.

Of the present districts for electing senators.

VIII. That the elections of senators shall be conducted, and the returns thereof made to the senate, in the same manner as is prescribed by the election laws of the state for conducting and making return of the election of representatives. In those districts, which consist of more than one county, the judges of the district-elections within each county, after having formed a return of the whole election within that county, in such manner as is directed by law, shall send the same, by one or more of their number, to the place hereinafter mentioned within the district, of which such county is a part,

Of the mode of proceeding in the election of senators.

where the judges, so met, shall compare and cast up the several county returns, and execute, under their hands and seals, one general and true return for the whole district; that is to say, the judges of the district composed of the city of Philadelphia, and the counties of Philadelphia and Delaware, shall meet in the state-house in the city of Philadelphia; the judges of the district composed of the counties of Lancaster and York, shall meet at the court-house, in the county of Lancaster; the judges of the district composed of the counties of Berks and Dauphin, shall meet at Middletown, in the county of Berks; the judges of the district composed of the counties of Cumberland and Mifflin, shall meet in Greenwood township, county of Cumberland, at the house now occupied by David Miller; the judges of the district composed of the counties of Northumberland, Luzerne, and Huntingdon, shall meet in the town of Sunbury; the judges of the district composed of the counties of Bedford and Franklin, shall meet at the house now occupied by John Dickey, in Air township, Bedford county; the judges of the district composed of the counties of Westmoreland and Allegheny shall meet in Westmoreland county, at the court-house in the town of Greensborough; and the judges of the district composed of the counties of Washington and Fayette, shall meet at the court-house in the town of Washington, in Washington county, on the third Tuesday in October respectively, for the purposes aforesaid.

and of the  
governor.

ix. That the election of the governor shall be conducted in the several counties, in the manner prescribed by the laws of the state for the election of representatives; and the returns in each county shall be sealed by the judges of the elections, and transmitted to the president of the supreme executive council, directed to the speaker of the senate, as soon after the election as may be.

Done in convention, the second day of September, in the year of our Lord one thousand seven hundred and ninety, and of the independence of the United States of America, the fifteenth. In testimony whereof we have hereunto subscribed our names.

THOMAS MIFFLIN, *President.*

James Wilson,  
Hilary Baker,  
William Lewis,  
Thomas M'Kean,  
George Gray,  
William Robinson, junior,  
Robert Hare,  
Enoch Edwards,  
Samuel Ogden,  
Thomas Jenks, junior,  
John Barclay,  
Abraham Stout,  
William Gibbons,  
Thomas Bull,  
James Boyd,  
Edward Hand,  
Robert Coleman,  
Sebastian Graff,  
John Hubley,  
John Breckbill,  
Henry Miller,  
Henry Slagle,  
William Reed,  
Benjamin Tyson,  
Benjamin Pedan,  
Matthew Dill,  
William Irvine,  
James Power,  
Joseph Heister,  
Christian Lower,  
Abraham Lincoln,

Paul Groscop,  
Baltzer Gehr,  
Samuel Sitgreaves,  
John Arndt,  
Peter Rhoads,  
Joseph Powell,  
John Piper,  
Charles Smith,  
Simon Snyder,  
William Findley,  
William Todd,  
Alexander Addison,  
John Hoge,  
David Reddick,  
James Ross,  
John Smilie,  
Albert Gallatin,  
James M'lene,  
George Matthews,  
James Morris,  
Lindsay Coates,  
Jonathan Shoemaker,  
John Gloninger,  
William Brown,  
Alexander Graydon,  
Timothy Pickering,  
Andrew Henderson,  
John Gibson,  
Thomas Beale,  
John Sellers,  
Nathaniel Newlin.

*Attest.*

Joseph Redman, *Secretary.*  
Jacob Shallus, *Assistant Secretary.*



# ACTS

OF THE

## General Assembly of Pennsylvania.

Passed during two sessions,—the first commencing 7th December, 1790, and ending 13th of April, 1791,—the second commencing the 23d of August, and ending 30th of September, 1791. Being the first legislature under the present constitution.

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THOMAS MIFFLIN, GOVERNOR.

RICHARD PETERS, SPEAKER OF THE SENATE.

WILLIAM BINGHAM, SPEAKER OF THE HOUSE OF REPRESENTATIVES.

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1791.

### CHAPTER MDX.

*An ACT to declare and establish the seals of this commonwealth.*

SECT. I. WHEREAS the late convention of this commonwealth did, on the second day of September last, establish a new form of government for Pennsylvania, and no provision is therein made for public seals :

SECT. II. *Be it therefore enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the seal, heretofore known by the name of the state seal, lately in the custody of the Supreme Executive Council, is hereby constituted the state seal, and shall be affixed to all patents, proclamations, and other public rolls, commissions, and papers of state, which require the great seal of the commonwealth, and to which the same has heretofore been usually applied.

The state seal established.

To be affixed to all patents, &c.

SECT. III. *And be it further enacted by the authority aforesaid,* That the seal lately in the custody of the Supreme Executive Council, called the lesser seal, shall be henceforth deemed and taken, and shall be applied as the less seal of this commonwealth, and, as such, set to [land-office warrants,] marriage licences, licences to keep public houses, and such other documents, as have heretofore been issued under the lesser seal.

The lesser seal established.

To be set to warrants, &c.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the said seals, respectively, shall be, and the same are hereby

The great and less seals to be affixed



1791. declared to be, the great and less seals of this commonwealth, and shall be affixed accordingly, under the direction of the governor. (g)

under direction of the governor.

Passed 8th January, 1791.—Recorded in Law Book, No. IV. page 126.

(g) See the notes to chap. 149, vol. 1, page 49, and the act to perpetuate the great seal of the commonwealth, passed 2d of March, 1809, and the description thereof in pursuance of said act, recorded in the office of the secretary of the commonwealth, 1st of July, 1809. The seal of the secretary of the Land-Office is now to be applied to all land warrants by the 8th section of the act abolishing the office of Receiver-Gen-

ral, &c. passed 29th of March, 1809.

By the 6th section of an act passed 11th of April, 1807, chap. 2857, it is made the duty of the secretary of the commonwealth to sign all tavern and marriage licences. And see the 19th section of an act passed 30th of March, 1811, consolidating the accounting department, and the note to chap. 1521. *post.*

## CHAPTER MDXI.

*An ACT for instituting a board of property, and for other purposes therein mentioned.*

SECT. I. *BE it enacted, by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the secretary of the Land-Office, [the Receiver-General,] the Surveyor-General, and [Master of the rolls,] for the time being, or any [three] of them, shall be and they are hereby constituted and appointed a Board of Property, with authority to exercise all the powers, under the same rules and regulations, as granted to the Board of Property instituted by an act of the General Assembly of this commonwealth, passed the fifth day of April, one thousand seven hundred and eighty-two, entitled “An Act to vest certain powers in the president of this state, together with the other officers therein named, and for other purposes therein mentioned.” And the secretary of the Land-Office is hereby empowered to appoint days of hearing, and grant citations, at the reasonable request of any person or persons applying for the same, or otherwise, as the case may require.

The board of property constituted. To execute the duties of the former board.

Secretary to appoint days of hearing, &c.

Land-Office warrants to be signed by the Governor, &c. (This section repealed, and supplied.)

Patents, in what form to be granted. (So much as is between crotchets, repealed and supplied, see note.)

[SECT. II. *And be it enacted by the authority aforesaid,* That from and after the passing of this act, all warrants issuing out of the Land-Office of this commonwealth shall be under the lesser seal of the state, and signed by the governor.]

SECT. III. *And be it enacted by the authority aforesaid,* That all patents issuing under the authority of this commonwealth shall be by deed poll, and shall be signed by the [governor, and counter-signed by the secretary appointed, or to be appointed, conformably to the fifteenth section of the second article of the constitution, or by the] secretary of the Land-Office, [and under the great seal of the state,] and being in the following style, viz. “The commonwealth of Pennsylvania, To all to whom these presents shall come, Greeting:” and then continue in the usual form.

SECT. IV. *And be it further enacted by the authority aforesaid,* [That the governor shall cause the lesser seal of the state to be af-

Under what seal patents, &c. issue.

fixed to all warrants, and the great seal to all patents issuing as aforesaid.] 1791.

SECT. v. *Be it further enacted by the authority aforesaid, That* (Repealed and supplied.)  
 this act shall continue in force until the first day of December next, (Limitation of this act extended.)  
 and from thence to the end of the next session of the General Assembly, and no longer. (h)

Passed 8th January, 1791.—Recorded in Law Book No. IV. page 133.

(h) See chap, 953. vol 2, page 13, and the notes thereto subjoined; and also the notes to chap. 1083, vol. 2, page 102, respecting the Land-Office, generally.

By the seventh section of the act of 29th of March, 1809. The secretary of the commonwealth, the secretary of the Land-Office, and Surveyor-General, or any two of them, are constituted a Board of Property, and vested with the same powers as are given by the act in the text, or any subsequent law.

By section eight of said act, the secretary of the Land-Office is directed to prepare a seal, to be styled "The seal of the Land-Office of Pennsylvania,"

which shall be applied to all patents, warrants, and other papers authenticated in said office; and all patents and warrants which shall issue thereafter, shall be signed by the said secretary, and the patents attested by his deputy or first clerk.

Section 9. The said secretary is also vested with the powers of the governor as to issuing patents for reserved tracts, and for town lots, or outlots, laid out and sold, or to be sold, under the laws of the state, north and west of Ohio, &c. which were directed to be sold, patented and conveyed by the governor, and for which titles have not issued, &c.

## CHAPTER MDXV.

*An ACT to authorize the speaker of the Senate and the speaker of the House of Representatives to draw warrants on the state treasurer, for the purposes therein mentioned.*

SECT. I. WHEREAS by the new distribution of the legislative powers of government into two branches, it becomes necessary to make provision for the separate support of the contingent and other charges of the two houses of the General Assembly:

SECT. II. *Be it enacted, by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the speaker of the senate and the speaker of the House of Representatives shall be, and they are hereby fully empowered severally, to draw their warrants on the state treasurer for the wages and mileage of the members of the General Assembly, for the pay of their respective officers, and for their incidental expenses; which warrants, being duly countersigned, and entered in the same manner as warrants drawn by the governor, shall be available to the state treasurer, in the settlement of his accounts with the commonwealth, for the sums expressed therein.

The speakers of the Senate and House of Representatives to draw for the wages, &c. of the respective houses.

SECT. III. *Be it enacted by the authority aforesaid, That the* treasurer be, and he is hereby enjoined to pay the said warrants of the speaker of the Senate, and of the speaker of the House of Representatives, out of the monies that are or may be, appropriated for the defraying the expenses of government.

Out of what fund, such drafts to be paid.

Passed 2d February, 1791.—Recorded in Law Book, No. IV. page 128.



1791.

## CHAPTER MDXVII.

*A SUPPLEMENT to the act, entitled "An Act to declare and regulate escheats."*

(Original  
act, vol. 2,  
pa. 425.)

**WHEREAS**, it is proper that persons purchasing lands in this state may transmit their possessions to their children, relations, or friends, who may still remain in, and be the subjects of, foreign states : Therefore,

Aliens enabled to acquire, take, hold and dispose of real estate by devise or descent.

**SECT. I.** *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That every person, being a citizen or subject of any foreign state, shall be able and capable in law of acquiring and taking, by devise or descent, lands and other real property in this commonwealth, and of holding and disposing of the same, in as full and ample a manner as the citizens of this state may or can do, and no such lands or estate so held by devise or descent shall escheat or be forfeited to the commonwealth, for or on account of the alienage of such person claiming the same under any last will, or succeeding thereto, according to the laws of this commonwealth.

And to dispose of personal estate, by testament or otherwise.

**SECT. II.** *And be it further enacted by the authority aforesaid,* That all such persons shall be able and capable in law to dispose of any goods and effects, to which they may be entitled within this state, either by testament, donation, or otherwise, and their representatives, in whatever place they may reside, shall receive the succession, according to the laws of this commonwealth, either in person or by attorney, in the same manner as if they were citizens of this commonwealth.

Alien enemies excepted.

**SECT. III.** *Provided nevertheless, and be it further enacted by the authority aforesaid,* That nothing, herein contained, shall be construed to prevent the sequestration of any real or personal estate belonging to any such alien, during the continuance of war between the United States of America and the state or prince, of which such person may be a citizen or subject.

Passed 23d February, 1791.—Recorded in Law Book No. IV. page 130. (i)

(i) For the existing law respecting wills be found a retrospective view of aliens, see post. chap. 2737, 10th of all the laws passed on the same subject. February, 1807, in the notes to which

## CHAPTER MDXVIII.

*A further SUPPLEMENT to the several acts of the General Assembly respecting auctions and auctioneers.*

(See chap. 908, vol. 1, page 509, and the notes thereto subjoined.)

**WHEREAS** inconveniences have arisen by restraining auctioneers from holding their auctions wheresoever they may judge it convenient in the city of Philadelphia, the district of Southwark, or the townships of the Northern Liberties and Moyamensing : For remedy whereof,



SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for each and every auctioneer already licensed, or who may hereafter be licensed by the governor of this commonwealth, under the subsisting laws thereof, to make sale, by public auction, of any lands or tenements, goods, wares, merchandize, or other property whatsoever, at any place or places, which the said auctioneers respectively may deem most beneficial to him, within the city of Philadelphia, the district of Southwark, or the township of the Northern-Liberties or Moyamensing.* 1791.

Licensed auctioneers may sell property at any place within the city, &c.

SECT. II. *Be it further enacted by the authority aforesaid, That such parts of any former act or acts of Assembly of this commonwealth, as prevent either of the said auctioneers now licensed or hereafter to be licensed as aforesaid, from holding public sales in the city of Philadelphia, the district of Southwark, or townships of the Northern-Liberties and Moyamensing, shall be, and the same are hereby declared to be null and void, to all intents and purposes whatsoever, any clause matter or thing therein contained, to the contrary thereof in anywise notwithstanding.*

Repeal of such parts of former laws as are contrary to this act.

Passed 26th February, 1791.—Recorded in Law Book No. IV. page 125.

## CHAPTER MDXIX.

*An ACT for erecting the townships of Hamilton and Lower-Smithfield, in the county of Northampton, into a separate election district, and the townships of Upper-Smithfield and Delaware, in the said county, into a separate election district.*

SECT. I. WHEREAS, by a representation made to the legislature by the freemen of the townships of Hamilton, Lower-Smithfield, Upper-Smithfield and Delaware, in the county of Northampton, it appears they labour under great inconveniences, owing to their remoteness from the place where the general election for said townships is now held: For remedy whereof,

SECT. II. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the townships of Hamilton and Lower-Smithfield, in the county of Northampton, be, and the same are hereby erected into a separate election district, to be called the fourth district of said county, and that the freemen of the said townships of Hamilton and Lower-Smithfield, shall hereafter meet at the house now occupied by Col. Jacob Stroud, in the said township of Lower-Smithfield, for the purpose of holding elections, conformably to the constitution and laws of this commonwealth.*

Fourth election district erected,

Elections where held.

SECT. III. *Be it further enacted by the authority aforesaid, That the townships of Upper-Smithfield and Delaware, in the said county of Northampton, be, and the same are hereby erected into a separate election district, to be called the fifth district of said coun-*

Fifth election district erected.

1791. *ty, and that the freemen of said townships of Upper-Smithfield and Delaware, shall hereafter meet at the house now occupied by Johannes Van Etten, in the said township of Delaware, for the purpose of holding elections, conformably to the constitution and laws of this commonwealth.*

Elections  
where held.

Passed 5th March, 1791.—Recorded in Law Book, No. IV. page 129.

## CHAPTER MDXX.

*An ACT to enable the Governor to appoint Notaries Public, and for other purposes therein mentioned.*

SECT. I. WHEREAS the establishment of public notaries has been found useful in all commercial countries :

SECT. II. *Be it therefore enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,*

The govern-  
or to appoint  
notaries,

where to  
reside.

Number  
regulated.

\*[See note.]

Proviso.

Power of  
notaries to  
administer  
oaths, &c.

Further  
powers of  
notaries.

That after the first day of September next, the governor shall appoint and commission a competent number of persons, of known good character, integrity and abilities, as notaries public for the commonwealth of Pennsylvania, to reside within such place or places within this state, as the governor shall in and by the respective commissions direct; and the said notaries, whilst residing in such place or places, shall hold their said respective commissions during good behaviour. *Provided always,* That there shall not be at any time more than six notaries appointed and commissioned to reside within the city and county of Philadelphia,\* nor more than three to reside in any other county within this state. *And provided also,* that no person shall be commissioned as a notary, who shall not have resided within this commonwealth two years next previous to his appointment.

SECT. III. *And be it further enacted by the authority aforesaid,* That the said notaries, so commissioned as aforesaid, and every of them, shall have the power of administering oaths and affirmations according to law, in all matters belonging or incident to the exercise of their notarial office, and that all and every person and persons, that shall be legally convicted of having wilfully and knowingly made or taken a false oath or affirmation, before any notary or notaries, in any matter or matters within his or their official duty, shall suffer the pains and penalties of wilful and corrupt perjury.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the said notaries, and every of them, shall have the power to receive the proof or acknowledgment of all instruments of writing relating to commerce or navigation, such as bills of sale, bottomries, mortgages, and hypothecations of ships or vessels, charter parties of affreightment, letters of attorney, and such other writings, as have been usually proved or acknowledged before notaries within this commonwealth, and also to make declarations, and testify the truth thereof under their seals of office, concerning all matters by them done in virtue of their respective offices.



SECT. V. *And be it further enacted by the authority aforesaid,* 1791.  
That every of the said notaries shall keep fair registers of all official acts by them done in virtue of their office, and shall, when thereunto required, give a certified copy of any record in his office unto any person or persons applying for the same, such person or persons paying the customary fees therefor.

Notaries to keep registers.

SECT. VI. *And be it further enacted by the authority aforesaid,*  
That in case of the death, resignation, disqualification or removal of any of the said notaries, his or their registers, and other public papers, shall be lodged, within thirty days next after such death, resignation, disqualification, or removal, in the office of the recorder of deeds of the particular county where he or they resided, who may bring and maintain actions of trover or detinue for the same; and such registers, or public papers, shall not in any case be liable to be seized, attached, or taken in execution, for debt, or for any demand whatsoever.

In case of death the register of the deceased notary to be deposited in the office of the recorder of the proper county.

SECT. VII. *And be it further enacted by the authority aforesaid,*  
That every notary shall provide a public notarial seal, with which he shall authenticate all his acts, instruments and attestations, on which seal shall be engraved the arms of this commonwealth, and shall have, for legend, the name, surname, and office of the notary using the same, and the place of his residence.

Notaries to keep and use an official seal.

SECT. VIII. *And be it further enacted by the authority aforesaid,*  
That every notary, on his appointment, and before he enters upon the duties of his office, shall take and subscribe an oath or affirmation, that he shall and will well and faithfully perform the duties of his office, and also that he shall and will support the constitution of this commonwealth; and also shall give bond, himself in a sum not exceeding six hundred pounds, and two sureties in a sum not exceeding three hundred pounds, each, conditioned for the faithful performance of the duties of his office, the amount of the said bonds to be determined on by the governor, which obligation shall be recorded in the rolls-office, or office for recording of deeds, within the respective counties where he may reside, and may be sued by any party or parties injured, in like manner, and with the like effect, as bonds given by sheriffs and coroners for the faithful execution of their respective offices. (k)

Notaries to take and subscribe an oath, &c.

and give security, &c.

Passed 5th March, 1791.—Recorded in Law Book No. IV. page 131.

(k) By an act passed 4th of April, 1798, chap. 1993. The governor is authorized to appoint two additional notaries public in the county of Philadelphia, one of whom shall hold his office only during the continuance of his residence in the district of Southwark, and the other, only during his continuance in the Northern-Liberties, under the provisions and restrictions of the act in the text.

Respecting the fees of notaries public, see the act of 20th of April, 1795, (chap. 1852.)



1791.

## CHAPTER MDXXI.

*An ACT to enjoin certain duties on the secretary of the commonwealth, and for other purposes.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the following duties be enjoined on the secretary of the commonwealth, in addition to those prescribed in the constitution. First, he shall keep the great and less seal of the state, and affix them, respectively, as the case may require, to all public instruments, to which the attestation of the governor's signature now is or shall hereafter be required by law. Secondly, He shall collect and pay over to the state treasurer, [quarterly,] the fees heretofore usually collected by the Secretary of the late Supreme Executive Council. Third, All bonds and recognizances, which now are, or hereafter shall be, by law directed to be given to this commonwealth, for the faithful discharge of any office, commission or public trust, shall be taken by the Secretary, in the name of the commonwealth, for the uses in the same respectively expressed, the sureties therein to be approved by the governor, [except in the cases of bonds and recognizances given by sheriffs and coroners, and their sureties, which shall be in double the amount heretofore by law required, and the competency of the sureties shall be submitted to the justices of the Courts of Common Pleas of their respective counties, or to any two or more of them, for that purpose convened, for their approbation, which approbation being confirmed by the governor, bonds or recognizances, conformably to the laws of this commonwealth, shall be taken by the recorder of deeds for the county, from the person commissioned by the Governor, and his sureties, previous to such person's entering upon the duties of his office, which bonds and recognizances, after being duly entered in the office of the said recorder of deeds, shall be by him transmitted to the secretary, and by the said secretary filed in his office, copies of which bonds or recognizances, under the hand and seal of the said Secretary, or under the hand and seal of the recorder of deeds, in whose office the originals are recorded and filed, shall be admitted as legal evidence in any suit or suits that shall be brought thereon, against the obligors or cognizors, their heirs, executors or administrators.] Fourth, The books, papers and accounts of the secretary shall be open to the inspection and examination of committees of each branch of the legislature, and the Secretary shall furnish such copies or abstracts, therefrom, as may from time to time be required.

SECT. II. *And be it further enacted by the authority aforesaid,* That the Secretary shall give bond to the Governor, for the use of the commonwealth, for the due and faithful performance of the several trusts to him committed, himself in the sum of one thousand pounds and two sufficient sureties in the sum of five hundred pounds each, which bonds, shall be duly acknowledged, and entered of record in the rolls-office.

The secretary to keep and affix the state seal, &c.

[now monthly, see note.]

To pay the fees of his office to the treasurer.

To take all official bonds, except in cases of sheriffs and coroners.

[Supplied by act of 28th of March, 1803 chap. 2355.)]

How sheriffs books, &c. are to be approved.

where recorded.

To be filed in the secretary's office.

Authenticated copies, &c.

The secretary's books, &c. to be open to committees of the legislature, &c.

The secretary to give bond, with two sureties.

SECT. III. *And be it further enacted by the authority aforesaid, 1791.* That the Secretary shall have a deputy, to be by him appointed, with the approbation of the governor, and the said deputy shall be removable by the said Secretary, whenever he shall think it expedient. The secretary to employ a deputy, &c.

[SECT. IV. *And be it further enacted by the authority aforesaid,* That the said Secretary shall receive, during his continuance in office, at the rate of five hundred pounds per annum, and the said deputy shall receive, during his continuance in office, at the rate of two hundred and fifty pounds per annum.] (1) Salary of the secretary and his deputy.

Passed 12th March, 1791.—Recorded in Law Book No. IV. page 134.

(1) The duties of the Secretary in collecting and distributing the laws and resolutions of each session of the legislature, are prescribed by the act of 4th of April, 1792, (chap. 1628, § 1, 2.)

§ 3. As often as there shall be a number of laws sufficient to form a volume of a convenient size, he shall cause a concise and complete Index to be made of the contents of such laws, which index shall be printed and included in the pamphlets containing the acts of the last Session; that are comprised in the volumes respectively, and he shall cause a certain number of the volumes to be neatly bound and lettered and distributed in a prescribed manner.

§ 4. He shall prefix to each volume, an attestation under his hand, that he has collated the laws contained therein with the original rolls in the rolls office, and corrected the same thereby.

The Secretary of the commonwealth directed to file the recognizances and bonds of sheriffs and coroners and their sureties in his office, when transmitted to him by the recorder of the proper county; and copies thereof, under his hand and seal of office, shall be legal evidence. Act of 28th March, 1803, (chap. 2355.)

The Secretary of the commonwealth to execute deeds to purchasers of John Nicholson's property, from the commissioners, and his duties therein prescribed. Act of 19th of March, 1807, (chap. 2774.)

The manner in which the Secretary shall distribute the English Journals of the legislature prescribed. Act of 11th of April, 1807, (chap. 2855.)

The distribution of the German Journals was directed by resolution of 7th of April, 1807.

By the 6th section of another act passed 11th of April, 1807, (chap. 2857,) it is made the duty of the Secretary of the commonwealth, to sign all tavern and marriage licences.

No extra allowance beyond the stated salary shall be allowed to the Secretary of the commonwealth for making indexes and marginal notes to the laws of each session. Act of 13th April, 1807, (chap. 2861.)

By the new arrangement of the land office, by act of 29th of March, 1809. All the books, papers and other documents, which were in the office of the master of the rolls, containing the records of, or relative to the enrolment of laws, or other acts of the legislature, are directed to be delivered to the Secretary of the commonwealth, and be by him deposited in his office, § 2.

§ 4. The powers and duties of the master of the rolls so far as the same relate to the laws, resolutions, acts and proceedings of the legislature, shall be transferred to and performed under the direction of the Secretary of the commonwealth, and the fees accruing thereon, together with all other fees received in his office, shall be paid into the state treasury, and accounted for monthly by him, with the Auditor-General.

§ 7. The Secretary of the commonwealth is constituted a member of the board of property.

By act of 30th of March, 1811, the Secretary of the commonwealth shall sign the blanks issued by him for tavern licenses, and cause to be marked thereon, the county and term for which they are issued, and make report quarter yearly to the Auditor-General of the number issued, designating the county and term for which they were issued. § 19. And

By § 25. He shall make report quarter yearly to the Auditor-General of all remissions of fines granted by the Governor. And see the 15th section of the second article of the existing constitution.

The Secretary of the commonwealth shall give information to the legislature, from time to time, of investments of public monies made by the Governor, in pursuance of the act of 20th March, 1810.

For the fees receivable by the Secretary, see act of 20th of April, 1795, (chap. 1852,) and of the master of the rolls. *ib.*

The salary of the Secretary was increased to \$ 2000, by act of 4th of April, 1796, (chap. 1837,) which salary still continues by act of 4th of April, 1798, (chap. 1995.)

The Deputy Secretary's salary was increased to \$ 1200, by act of 4th April,



1791. 1796, (chap. 1886,) which salary is per- See the general index—title. "Secre-  
manently fixed by act of 25th of Feb'y, tary of the commonwealth."  
1803, (chap. 2325.)

### CHAPTER MDXXIII.

[Original act  
vol 2, pa.  
502, chap.  
1433.]

**A SUPPLEMENT** to an act, entitled "*An act to enable the owners and possessors of meadow-land, situate in the precinct of Richmond, in the township of the Northern-Liberties, to keep the banks, dams, sluices and flood-gates, in repair.*"

Passed 16th March, 1791.—Private Act.—Recorded in Law Book No. IV. page 137.

### CHAPTER MDXXVIII.

**An ACT** to establish a ferry over Swatara creek, near the town of Williamsburgh, in the county of Dauphin, and for vesting the right in Christian Seltzer, his heirs and assigns.

[**CHRISTIAN SELTZER** authorized to erect a ferry over Swatara creek, on the main road leading from Reading through Williamsburgh, in the county of Dauphin; subject to such rules, rates and regulations as the legislature may in future direct and appoint; but not to have a right to use the landings of other persons without their consent. The said ferry to be at all times kept and maintained in good order and repair.]

Passed 28th March, 1791.—Recorded in Law Book No. VI. page 141.

### CHAPTER MDXXX.

**An ACT** for establishing a nightly watch, providing lamps, and supporting pumps, for public use, at a common charge, within a certain part of the township of the Northern-Liberties of the city of Philadelphia.

**WHEREAS** the inhabitants of that part of the township of the Northern-Liberties of the city of Philadelphia, which lies between the middle of Fourth-street and the river Delaware, and between Vine-street and Pegg's run, have, by their petition to the legislature, represented, that from the increase of population, buildings and improvements, great inconveniences are sustained, which are likely to increase, from the want of proper regulations in respect to lighting and watching their streets by night, and supporting, at a common charge a suitable number of pumps, within the said division of the Northern-Liberties:

**SECT. 1.** *Be it therefore enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the freeholders and taxable inhabitants of that part of the township of the Northern-Liberties of the city of Philadelphia, which lies between the middle of Fourth-street and the river Delaware, and between Vine-street and Pegg's-run, shall meet on the last Monday in April, at the house now occupied by John Strickler, and shall then and there elect, by majority of votes, two persons,

Electors to  
choose as-  
sistants.



to conduct the election to be then and there holden, of inspectors of the election herein after directed; and when the said assistants shall be so chosen, they shall proceed to hold an election, by the ballot of the freeholders and taxable inhabitants of the said division of the township aforesaid, for two freeholders, resident within the said division, to be inspectors as aforesaid; and the said election of inspectors shall be opened at two of the clock in the afternoon, and at seven of the clock in the afternoon the poll shall be closed, the number of votes ascertained, and the persons highest in votes publicly declared and certified by the said assistants, who shall, within twenty-four hours afterwards, give notice thereof in writing to the persons so elected inspectors; and the said inspectors shall, in the morning of the day hereafter appointed for holding an election of commissioners and a treasurer, take to their assistance three freeholders, inhabitants within the said division of the township aforesaid, to be judges of the said election; which judges and inspectors shall, for the purpose of holding such election, be vested with the like powers and authorities, as are vested by law in the judges and inspectors of the general elections of this commonwealth.

1791.

Assistants  
to elect in-  
spectors.

How in-  
spectors to  
hold elec-  
tions for  
commission-  
ers and  
treasurer.

An election  
to be held on  
the first  
Monday in  
May, for  
three com-  
missioners  
and one  
treasurer.

SECT. II. *Be it enacted by the authority aforesaid,* That the said judges and inspectors, so appointed, shall, on the first Monday in May, at one of the clock in the afternoon of the same day, at the house now occupied by John Strickler, open and hold an election, by the ballot of the freeholders and taxable inhabitants of the said division of the township aforesaid, for three discreet freeholders and inhabitants of the said division, to be commissioners, and one such freeholder and inhabitant to be treasurer; and the said election shall be closed at eight of the clock in the afternoon of the same day, when the votes shall be ascertained, and the persons highest in votes for the said offices, respectively, shall be publicly declared and certified, and a certificate thereof, in writing, signed by the said judges and inspectors, shall be sent to such persons, respectively, within twenty-four hours afterwards.

SECT. III. *Be it enacted by the authority aforesaid,* That one of the said commissioners shall serve for three years, one of them for two years, and one of them, and the treasurer, shall serve for one year from the time of their being so elected; and the said commissioners shall, on the second Monday in May next, meet together at some convenient place, and then and there, by lot, determine which one of them shall serve for three years, which for two years, and which for one year, respectively; and having so determined, they shall certify the same, under their respective signatures, to the clerk of the Court of Quarter Sessions for the county of Philadelphia, who shall file such certificate among the records of the said court.

Term of ser-  
vice of the  
commission-  
ers and trea-  
surer, re-  
spectively.

SECT. IV. *Be it enacted by the authority aforesaid,* That on the first Monday in May, annually, for ever, the freeholders and taxable inhabitants shall in like manner elect, by ballot, one freeholder and inhabitant of the said division, to be commissioner, to serve for the space of three years, and three such freeholders and inhabitants, to be examiners of the accounts of the said commissioners, who shall serve for one year, and one such freeholder and inhabitant to

Elections to  
be held for  
commission-  
ers, for ex-  
aminants,  
&c.

1791.

Ten days  
notice of  
the election  
shall be  
given.

Vacancies,  
how sup-  
plied.

Powers of;  
the com-  
missioners.

Proviso,  
respecting  
lamps.

Further pow-  
ers of the  
commission-  
ers.

Regulations  
respecting  
watchmen.

be treasurer, to serve for one year of which election ten days previous notice shall be given, by means of advertisements put up in the most public places of the said division, by the commissioners for the time being; and the election of inspectors shall be ten days before the election of commissioners and treasurer, the names of the persons elected commissioner, examinants and treasurer, shall be certified to the clerk of the Court of Quarter Sessions for the said county by the judges and inspectors, to be filed among the records of the said court: In case of the death, resignation, or removal from the said division, of any of the said commissioners, or of the treasurer, the remaining commissioners shall, after giving public notice in manner aforesaid, cause an election to be holden in like manner, to supply such vacancies.

SECT. V. *Be it enacted by the authority aforesaid,* That the said commissioners, or any two of them, shall have full power, and they are hereby required, to keep in repair, at the common charge, such suitable number of pumps as now are, or hereafter may be, fixed on the north side of Vine-street, and in any of the highways, streets, lanes or alleys, within said limits, for the necessary accommodation of the inhabitants thereof; they shall also cause to be fixed and disposed of, in as regular order as the crossings and intersections of the several highways, streets, or alleys, will admit of, and in as beneficial a manner for the general and equal use and interest of the whole district as can be, such number of lamps on the north side of Vine-street, and in all the public highways, streets or roads, within the limits before described, as may be necessary therein: *Provided* only so many lamps be fixed and disposed of, in order and manner as aforesaid, and maintained, from time to time, as they, from the present state and future progress of buildings and improvements, may judge necessary to apportion. They are also hereby authorized and empowered to contract with any person or persons for the lighting, trimming, supplying, maintaining and preserving the same, and likewise to employ such number of watchmen, at such reasonable wages, as shall be found necessary and proper.

SECT. VI. *Be it further enacted by the authority aforesaid,* That the said commissioners, or a majority of them, shall have full power and authority to ascertain and prescribe the stands and number of rounds of the said watchmen, in and throughout all the public streets and highways within the said division, to engage them for such length of time as shall be found expedient, and, in case of misbehaviour, inability or neglect, to discharge them, and appoint others in their stead; and the said watchmen, respectively, shall use their best endeavours to prevent fires, murders, burglaries, robberies, and other outrages and disorders, within the said limits, and to that end are hereby empowered and required to arrest and apprehend all suspicious persons, who shall be found wandering or misbehaving themselves, and shall take the person or persons so apprehended, as soon as conveniently may be, before some Justice of the Peace of the said county, to be examined, and dealt with according to law.

SECT. VII. And whereas disputes and dissatisfactions may arise touching the distributions or support of the lamps, watchmen or



Disputes  
respecting  
the distribu-  
tion of  
lamps, &c.  
how to be  
settled.

Penalty for  
injuring  
pumps.

Penalty for  
injuring  
or extin-  
guishing  
lamps.

The com-  
missioners  
to lay a  
rate not  
exceeding  
in one year  
5 shillings  
in the  
£. 100 &c.

Proceedings  
in case of  
refusing or  
neglecting  
to pay the  
rates as-  
sessed.

pumps, within said district: For remedy whereof, *Be it enacted, and it is hereby enacted by the authority aforesaid,* That upon application of any three freeholders of the said division to the General Court of Quarter Sessions of the county of Philadelphia, the Justices of the said court shall nominate and appoint a jury, consisting of not less than three, or more than five freeholders of the said county, (not residing within said division,) to review and consider the matters and things complained of, and to make report of their judgment thereon, which judgment, so reported, shall be binding on the commissioners aforesaid, and on all parties concerned.

SECT. VIII. *Be it further enacted by the authority aforesaid,* That any person or persons, who shall wilfully and maliciously break and carry away the handles of any of the public pumps within the said limits, or otherwise injure or damage the same, and shall be thereof legally convicted in the Court of Quarter Sessions in and for the peace of the said county, shall, for the first offence, forfeit and pay the sum of three pounds for each pump so broken or damaged, and for the second, and every other offence, the sum of six pounds.

SECT. IX. *Be it further enacted by the authority aforesaid,* That any person or persons, who shall wilfully or maliciously break, throw down, or extinguish any lamp, hung out or set up to light any street, lane or alley, within the said limits, or shall wilfully or maliciously damage the post, iron, or other furniture thereof, and shall be thereof convicted in any court of Quarter Sessions in and for the said county, shall forfeit and pay the sum of two pounds for each lamp so broken, thrown down, extinguished, or otherwise damaged, and for each post, iron, or other furniture thereof, so broken or damaged; and if any person or persons shall accidentally and undesignedly break, throw down, or extinguish any of such lamps, or injure any such posts, iron, or other furniture, and shall fail to give notice thereof to some one of the said commissioners, and pay the damage thereby incurred within twenty-four hours from the time of doing such injury, every such person, so neglecting, shall forfeit double the sum of money necessary in the judgment of the said commissioners to repair the injury done.

SECT. X. *Be it further enacted by the authority aforesaid,* That for the purposes herein before expressed, it shall and may be lawful for the said commissioners, or a majority of them, to lay a rate or rates in any one year, not exceeding five shillings in the hundred pounds, on the value of the real and personal estates of the freeholders and inhabitants within the said limits, agreeably to the last assessment for raising county rates and levies, to be applied in conformity to the true intent and meaning of this act; which rate or rates shall be laid according to the best of their skill and judgment, and as near as may be to the county assessments, having due regard to every rateable estate within the said limits, without favour or affection to any person whatever.

SECT. XI. *Be it further enacted by the authority aforesaid,* That if any person, so rated and assessed, shall refuse to pay the sum to him charged, and shall not enter an appeal to the next court of General Quarter Sessions, it shall and may be lawful for the collec-



1791. **tor** of the said rate to levy the same on the goods and chattels of the persons so refusing ; and in case such persons shall not, within three days after such distress made, pay the sum so on him assessed, with the charges of such distress, the said collector, having given six days previous notice thereof, by advertisements distributed and fixed up in the most conspicuous place, shall expose said goods in one of the most public parts of the said division, and sell the same to the highest bidder, rendering to the owner the overplus, if any shall be, after deduction of reasonable charges. *Provided always,* That it shall be lawful for the justices of the court of General Quarter Sessions of the said county, upon the petition of any person aggrieved by such rate or assessment, to make such order therein, as to them shall appear just ; and the collector, in case of such appeal, shall forbear making distress, until the same be determined in the said court of General Quarter Sessions.

Proviso in case of an appeal.

The goods of tenants liable for the rates of their tenements. How indemnified.

Proviso.

The collectors how and when to account and pay, &c.

The treasurer's duty.

Penalty on misconduct of collector.

How the collector is to be appointed ;

and give security.

SECT. XII. *Be it further enacted by the authority aforesaid,* That the goods of any tenant, or person residing upon any lands or tenements, within the said limits, shall be liable to be so distrained and sold for the payment of the said rate ; in which case it shall be lawful for such tenant to deduct out of his rent, so much as he shall be compelled to pay on account of his landlord, or to recover the same by action, with costs of suit. *Provided,* That nothing herein contained shall extend to any agreement relative to the payment of taxes, made between any such landlord and tenant.

SECT. XIII. *Be it further enacted by the authority aforesaid,* That the said collector shall, at least once in three weeks, render a just and true account of, and bring in and pay to the treasurer, all such monies as he shall have received, and shall pay the whole and every of the sums of money assessed in his duplicate, within three months next after the day of appeal, such deficiencies as the said commissioners, or a majority of them, shall allow being first deducted ; and the treasurer shall, from time to time, signify in writing to the said commissioners such sums of money as he may so receive ; but if any such collector shall refuse or neglect to pay the monies which he shall be charged to collect, within the time herein before limited, he shall forfeit and pay to the treasurer the sum of two hundred pounds, and also all the arrearages of the rate he was appointed to collect, to be levied by a warrant, under the hands and seals of the said commissioners, directed to the sheriff of the county of Philadelphia, who is hereby authorized and empowered to execute such warrant upon the goods and chattels of such collector, or in case sufficient goods and chattels cannot be found, then to imprison such collector, until payment be made.

SECT. XIV. *Be it further enacted by the authority aforesaid,* That the said collector shall be appointed by the said commissioners, or a majority of them, from time to time ; he shall be liable to be removed for misbehaviour or neglect ; he shall be allowed one shilling per pound upon all monies by him collected and paid to the treasurer, pursuant to this act ; and he shall give bond, with two sufficient sureties, to the said commissioners, in the sum of two hundred pounds, conditioned for the faithful performance of the duties of his office.

SECT. XV. *Be it further enacted by the authority aforesaid, 1791.*

That the said treasurer for the time being, before he enters upon the execution of his office, shall give sufficient security to the said commissioners, in the sum of five hundred pounds, conditioned for the faithful performance of the duties of his office. He shall receive all monies levied and raised by virtue of this act, and shall pay all accounts and demands certified to him by the said commissioners, or a majority of them, to be due on account of the objects committed to their care; and at the expiration of the term of his appointment, he shall pay the balance in his hands to his successor in office; and, as a full compensation for his services, he shall be allowed at the rate of two pounds per centum upon all monies received by him in virtue of his office.

The treasurer shall give security.

Duties of the treasurer.

The compensation for his services.

SECT. XVI. *Be it further enacted by the authority aforesaid,* That the said commissioners, for the services required and enjoined by this act, shall be paid by the said treasurer five shillings, respectively, for every day's attendance actually employed therein.

The compensation of the commissioners.

SECT. XVII. *Be it further enacted by the authority aforesaid,* That the said commissioners and treasurer, respectively, shall keep fair and regular books of account, which shall be at all times open to the inspection of any two or more freeholders or inhabitants within the said limits, and shall submit the same, with the proper vouchers, when so required, to the examiners herein before mentioned; and they shall also exhibit a statement of such accounts, with the reports of the examiners thereupon, annually, ten days before the day of the said annual elections, in two or more of the public newspapers printed in the city of Philadelphia.

The commissioners and treasurer to keep fair books, &c.

Passed 30th March, 1791.—Recorded in Law Book, No. IV. page 143.

## CHAPTER MDXXXII.

*An ACT to provide a more effectual method of settling the public accounts of the commissioners and treasurers of the respective counties.*

WHEREAS the mode of settling the public accounts of the commissioners of the respective counties, as directed by the act, entitled "A Supplementary act to the act for raising county rates and levies,"\* passed the fifteenth day of August, one thousand seven hundred and thirty-two, has been found defective, and incompetent to the attainment of the good purposes intended by the legislature, so that in many instances the accounts of such commissioners have lain unexamined and unsettled for a series of years, which renders it expedient to establish some other method of satisfying the people, that the monies levied upon them by the county commissioners are duly applied :

[\*chap. 330, now repealed.]

SECT. I. [The county courts to appoint persons to audit commissioners accounts, &c. repealed and supplied by act 16th of March, 1809, see note.]

SECT. II. *Be it further enacted by the authority aforesaid, That* all such auditors appointed by virtue of this act, two of whom shall

The power of the auditors.



1791. be a quorum, shall be, and they are hereby, authorized and empowered to cause, by process of subpœna and attachment, directed to the sheriff or coroner of the county, to come before them, as well such persons as now are, or heretofore have been, or shall be, commissioners or treasurers of such county, or employed by or under such commissioners and treasurers, their respective executors or administrators, as all other persons whom it may be necessary to examine as witnesses, and also to compel in like manner the production of all books, papers, accounts and vouchers, relative to the said public accounts; provided no such subpœna be returnable in less than ten days after the date thereof.

Witnesses  
how to be  
examined.

Proceedings  
in case of  
their refusal,  
&c.

SECT. III. *Be it enacted by the authority aforesaid,* That all such persons, appearing as witnesses before the said auditors, shall be examined upon oath or affirmation, to be administered by some justice of the peace of the county, in the presence of the said auditors; and every such person, refusing to take such oath or affirmation, or refusing, when sworn or affirmed, to make answer to such questions as shall be put to him by the said auditors concerning the said public accounts, or concerning the official conduct of the said commissioners or treasurers, or any of them, may be committed, by a warrant issued under the hand and seal of such justice of the peace, to the common gaol of the county, until he or she shall submit to be sworn or affirmed, or shall make answer to such questions; and all persons guilty of swearing or affirming falsely, in any evidence given before the said auditors, shall be liable to all the pains and penalties inflicted upon offenders guilty of perjury in any court of record in this state.

Proceedings  
in case the  
parties  
refuse, &c.

SECT. IV. *Be it enacted by the authority aforesaid,* That if any person or persons in possession of such books, papers, accounts and vouchers, shall refuse, after being duly required, to produce the same, or if such commissioners and treasurers, their executors or administrators, shall refuse to attend and submit themselves to be examined, as is herein before directed, the said auditors may and shall proceed, from the examination of witnesses and other testimony, to ascertain and settle, as near as may be, the several sums of money received by such commissioners and treasurers, respectively, and the application thereof to public purposes, or otherwise.

Auditors to  
report to  
the next  
county court.

Balance  
reported, to  
have the  
effect of a  
judgment.

Appeal  
allowed,  
within 60  
days, &c.

SECT. V. *Be it enacted by the authority aforesaid,* That the said auditors, having examined and settled the said accounts to the best of their skill and ability, shall report the same, with the respective balances due to or from such commissioners or treasurers, to the next county court of common pleas for such county, who shall thereupon cause such report and settlement to be filed among the records of the said court; and such report, from the time of being so filed, shall have the effect of a judgment upon the lands, tenements and hereditaments of such commissioner or treasurer, who shall thereby appear to be indebted; and if, within sixty days after such report made and filed, the said commissioners and treasurers, their executors and administrators, or any of them, shall enter their appeal in the said court from the said settlement, or any part thereof, it shall be lawful for the court to direct an issue, wherein the com-



1791.

Proviso in  
case of an  
appeal.

If there be  
no appeal,  
&c. execu-  
tion to issue  
as on other  
judgments.

[\* chap.  
1207, now  
pealed.]

The audi-  
tors to  
transmit  
duplicates to  
the comptrol-  
ler and  
transcripts  
to the trea-  
surer in cer-  
tain cases.  
[See the ac-  
counting act  
of 30th of  
March, 1811.]

How vacan-  
cies to be  
supplied.  
[Supplied by  
act of 16th  
March,  
1809.]

The audi-  
tors to be  
qualified.

Their com-  
pensation.

Compensa-  
tion of wit-  
nesses.

How paid.

monwealth shall be made plaintiff or defendant, as the case may require, to be tried by a jury during the next term, upon whose verdict final judgment shall be entered. *Provided always*, That no such appeal be received, unless the party appellant enter into recognizance, with two good sureties, in double the sum found due by the said settlement, conditioned to prosecute the said appeal with effect, and to pay the costs, and such sum of money as the jury shall find him or them indebted.

SECT. VI. *Be it enacted by the authority aforesaid*, That if no such appeal shall be entered where balances have been found due from such commissioners or treasurers, (or if, upon such appeal, a verdict and judgment shall be given in favour of the commonwealth,) execution shall thereupon issue against the lands and tenements, goods and chattels, or bodies, of such defaulters, in like manner as upon judgments recovered in the usual course of law.

SECT. VII. And whereas, by an act of assembly, entitled "An act to enforce the due collection and payment of taxes within this commonwealth," passed the twenty-fourth day of March, one thousand seven hundred and eighty-six,\* the commissioners of the several counties were directed to prepare, and transmit to the Comptroller-General, fair duplicates of the assessments made within their respective counties for the collection of state taxes: *Be it enacted by the authority aforesaid*, That the auditors, who shall be appointed by virtue of this act, shall be, and they are hereby authorized and required to prepare and transmit such duplicates to the [Comptroller-General,] in all such cases where it shall appear that the commissioners of such counties have omitted so to do; and they shall also transmit to the treasurer of the state a certified transcript of so much of their said settlement, after final judgment is entered thereupon, as contains the account of monies levied for state purposes within the said counties respectively.

SECT. VIII. *Be it enacted by the authority aforesaid*, [That if, from death, resignation, or inability to serve, the number of auditors in any county shall, before the completion of the business, be reduced to less than three, the County Court of Common Pleas for such county shall, upon the application of the remaining or surviving auditors, from time to time, as occasion may require, appoint another or others, in the place of those deceased, resigning, or unable to serve;] and every such auditor shall, previously to entering on the business entrusted to him, take an oath or affirmation before some Justice of the Peace of the county, that he will well and faithfully execute the duties of an auditor, as required by this act, and make report, as is hereby directed, without unnecessary delay; and they shall be allowed ten shillings per diem, respectively, while employed in the said business, together with such incidental and unavoidable expenses as the said court shall think reasonable; and every witness subpoenaed by them, and attending, and being examined, shall be entitled to the same allowance as is received by witnesses attending upon courts of law; all which monies shall be advanced out of the county stock, by an order drawn upon the county treasurer by the judges of the said court, who shall include the charges of such witnesses' attendance in the costs assessed upon

1791. such of the said commissioners and treasurers, against whom judgment shall be so as aforesaid entered.

Repeal of  
part of a for-  
mer act.

[\*chap. 330,  
now repeal-  
ed.  
See chap.  
3084.]

SECT. IX. [*Be it enacted by the authority aforesaid, That so much of the act, entitled "A supplementary act to the act for raising county rates and levies,"\* as directs the commissioners, assessors and treasurers of the several counties to submit their accounts, annually, to the justices and grand jury of the courts of General Quarter Sessions of the Peace of the respective counties, shall be, and the same is hereby repealed. Provided, That such repeal shall not be deemed or taken to invalidate or affect any legal proceedings instituted against any such commissioners or treasurers, by reason of their non-compliance with the said act, but that all forfeitures and penalties, to which any such commissioners or treasurers have become liable, shall remain as if the said act had not been repealed.*]

Proceedings  
against per-  
sons who  
live out of  
the county.

SECT. X. *Be it enacted by the authority aforesaid, That the auditors aforesaid, on suggestion to the Court of Common Pleas that the person or persons to be subpœnaed or attached under this act live not in the county where the cause is pending before such auditors, the said court shall have full power and authority to issue any subpœna or attachment into the counties where such person or persons shall so reside, and proceed against such person or persons, in as ample a manner as they may do in causes pending in such court against witnesses or others, who shall be compellable to attend in or be in contempt of such courts.*

This act  
not to have  
a retrospect  
beyond 1776.

[\*See post.  
chap. 1647.]

This act to  
be pub-  
licly read.  
[obsolete]

SECT. XI. *Be it further enacted by the authority aforesaid, That nothing contained in this act shall be construed to extend to the settlement of any accounts of the county commissioners or treasurers, or their legal representatives, previous to the first day of January, in the year one thousand seven hundred and seventy-six.\**

SECT. XII. [*And be it further enacted by the authority aforesaid, That this act shall be read in a distinct, and audible voice, by the prothonotaries of each county court of common pleas, which may commence first after the first day of June next, during the sitting of such court, on three several days, in the Court-house of said county.*] (m)

Passed 30th March, 1791.—Recorded in Law Book No. IV. page 149.

(m) By a supplement to this act, passed 16th of March, 1809. The Auditors are to be annually elected by the citizens of the several counties at the general election. And if any Auditor shall die, remove from the county, or decline to serve in said office, the Judges of the Court of Quarter Sessions for such county shall appoint a suitable citizen to fill the vacancy.

§ 2. The auditors of each county shall meet on the first Monday of January in every year, and at such other times to which they may adjourn, at the commissioners office in their respective counties, for the purpose of settling and adjusting the accounts of the preceding year, agreeably to the original act.

§ 3. Each Auditor shall be allowed out of the county stock, one dollar and thirty

three cents and no more, for every day's attendance on the duties of his office.

§ 4. The return Judges of the several counties, when met at their respective court-houses, shall make out a return of the persons elected for auditors, which return shall be, by one of the Judges, deposited with the Prothonotary of the proper county, and it shall be the duty of the said Prothonotary, to inform the auditors of the time of their meeting annually, at least ten days previous thereto.

§ 5. So much of any law as is by this act altered or supplied, is repealed.

By another supplement passed 20th of March, 1810. The auditors of each county shall have the power to adjust and settle the public accounts of all such former or present commissioners and treasurers.



respectively, as have not heretofore settled their public accounts.

§ 2. It shall be the duty of the auditors to settle and adjust the account of all monies received by the Sheriffs or Coroners, agreeably to an act directing the mode of selecting and returning jurors; and such auditors shall have like powers and authority in settling such accounts, as they have in other cases; and on filing a copy of such settlement in the Prothonotary's office, it shall be under the same laws, rules and regulations, and have the same operation and effect as the report of auditors against county treasurers.

§ 3: All persons who now are, or have

been Sheriffs, or county commissioners, and all persons who have heretofore been county treasurers, or the executors or administrators of any such persons as aforesaid, having in their hands any monies, made out of the sales of unseated lands, and remaining in their hands, after the deduction of the taxes as aforesaid, are hereby authorized and required forthwith to pay them over to the county treasurer for the time being who shall hold the same for the same uses and trusts as the said persons respectively did.

See a supplement to this act, 6th March, 1793, (chap. 1647,) applicable only to the Northern-Liberties.

1791.

## CHAPTER MDXXXIII.

*An ACT for the better ascertaining of the boundary line between the counties of Huntingdon and Mifflin.*

WHEREAS some dissatisfaction hath arisen, respecting the boundary line between the counties of Huntingdon and Mifflin, on the south side of the river Juniata, which was run in the year one thousand seven hundred and eighty-nine: Therefore,

SECT. I. *Be it enacted, by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the line described in the act, entitled "An act for erecting a part of the county of Cumberland, into a separate county," passed the ninth day of March, one thousand seven hundred and seventy-one,\* shall be run by James Cunningham, David Stewart, and John Oliver, esquires, or any two of them, who are hereby authorized and empowered to run the same; which line, in the said act, is described as follows: Beginning where the province line crosses the Tuscarora mountain, and running along the summit of that mountain to the Gap, near the head of the Path-valley; thence with a north line, to the Juniata; and the said line, from the said Gap to the Juniata, being run, shall be and remain the boundary line between the counties of Huntingdon and Mifflin, on the south side of the river Juniata: And until the said line shall be run as aforesaid, the line between the two counties aforesaid shall be and remain the same, as that which divided Bedford county from Cumberland county. And the expenses of running the said line shall be paid by the treasurers of Huntingdon and Mifflin counties, equally, out of the county rates and levies of each county respectively. (n)

Passed 1st April, 1791.—Recorded in Law Book No. IV. page 153.

(n) Other commissioners were directed to be appointed by the governor, by an act passed 30th of Sept'r, 1791. (chap. 1585.) And by an act passed 29th of March, 1792, (chap. 1606,) it is enacted, that a straight line, beginning in the middle of the water Gap in the Tuscarora mountain, and from thence to the river Juniata, in such direction as to include Joseph Galloway's farm within Hunting-

don county, at the mouth of Galloway's run, shall be the boundary line between Huntingdon and Mifflin counties, on the south side of Juniata, and the governor was directed to appoint one commissioner to run said line.

For the act erecting Huntingdon county. See chap. 1300, ante, page 417.

For the act erecting Mifflin county. See chap. 1425, ante, page 403.

Persons appointed to run the boundary line.

[\*Vol. I, p. 330.]

The line described.

Expenses how to be paid.



1791.

## CHAPTER MDXXXVI.

*An ACT to confer on certain associations of the citizens of this commonwealth the powers and immunities of corporations, or bodies politic in law.*

**WHEREAS** a great portion of the time of the legislature has heretofore been employed in enacting laws to incorporate private associations, and it would not only be more advantageous to the public, but also convenient to individuals, who are desirous of being so incorporated, that the same might lawfully be effected without an immediate application in all cases to the General Assembly of the commonwealth; Therefore,

**SECT. I.** *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* when any number of persons, citizens of this commonwealth, are associated, or mean to associate, for any literary, charitable, or for any religious purpose, and shall be desirous to acquire and enjoy the powers and immunities of a corporation, or body politic in law, it shall and may be lawful for such persons to prepare an instrument in writing, therein specifying the objects, articles, conditions, and name, style or title, under which they have associated, or mean to associate, and the same to exhibit and present to the Attorney-General of the commonwealth, for the time being, who is hereby required thereupon to peruse and examine the said instrument, and, after such perusal and examination, to transmit it, with a certificate, thereon endorsed, testifying his opinion touching the lawfulness of the objects, articles and conditions, therein set forth and contained, unto the Supreme Court of this commonwealth; and the said court is hereby also required thereupon to peruse and examine the said instrument, and to transmit it, with a certificate, thereon indorsed, testifying also the opinion of the said court touching the lawfulness of the objects, articles and conditions, therein set forth and contained, unto the Governor of the commonwealth; and if the said Attorney-General and the said court shall certify their opinion, as aforesaid, to be, that the objects, articles and conditions, in such instrument set forth and contained, are lawful, then the said Governor (but not otherwise,) shall transmit the same to the master of the rolls, with an order, thereon endorsed, requiring him to enrol the same, at the expense of the applicants; and upon the enrolment thereof, the persons so associated, or meaning to associate, shall, according to the objects, articles and conditions, in the said instrument set forth and contained, become and be a corporation, or body politic in law and in fact, to have continuance, by the name, style and title, in such instrument provided and declared.

**SECT. II.** *And be it enacted by the authority aforesaid, That* as often as the corporations established by virtue of this act, and the successors thereof, respectively, shall be desirous of improving, amending or altering the articles and conditions of the instrument, upon which the said corporations, respectively, are as aforesaid, formed and established, it shall and may be lawful for such corporations, respectively, in like manner to specify the improvements, amend-

Associations of citizens for literary, charitable or religious purposes, how to obtain the benefits of incorporation, &c.

Alterations and amendments in the respective instruments of association, how to be made.

ments or alterations, which are or shall be desired, and the same to exhibit and present to the Attorney-General and Supreme Court, who shall in like manner, successively, certify their opinion to the Governor of this commonwealth, touching the lawfulness of such improvements, amendments and alterations; and the same being certified, as aforesaid, to be lawful, shall in like manner be directed by the Governor to be enrolled by the master of the rolls, at the expence of the applicants; and upon enrolment thereof, shall be taken and deemed to be a part of the instrument, upon which such corporations, respectively, were formed and established, to all intents and purposes, as if the same had originally been made a part thereof.

SECT. III. *And be it enacted by the authority aforesaid,* That the corporations established by virtue of this act, and the successors thereof, respectively, shall have full power and authority to make, have and use one common seal, with such device and inscription, as they shall respectively deem proper, and the same to break, alter and renew, at their pleasure; and by the name, style and title, by them respectively provided and declared as aforesaid, shall be able and capable in law to sue and be sued, plead and be impleaded, in any court or courts, before any Judge or Judges, Justice or Justices, in all manner of suits, complaints, pleas, causes, matters, and demands whatsoever, and all and every matter or thing therein to do, in as full and effectual a manner, as any other person or persons, bodies politic and corporate, within this commonwealth, may or can do; and shall be authorized and empowered, and they are hereby respectively authorized and empowered, to make rules, by-laws and ordinances, and to do every thing needful for the good government and support of the affairs of the said corporations, respectively. *Provided always,* That the said by-laws, rules and ordinances, or any of them, be not repugnant to the constitution and laws of the United States, to the constitution and laws of this commonwealth, or to the instrument, upon which the said corporations, respectively, are as aforesaid formed and established.

SECT. IV. *Be it enacted by the authority aforesaid,* That the corporations established by virtue of this act, and the successors thereof, respectively, by the name, style and title, by them respectively provided and declared, as aforesaid, shall be able and capable in law, according to the terms and conditions of the instrument, upon which the said corporations, respectively, are as aforesaid formed and established, to take, receive and hold all and all manner of lands, tenements, rents, annuities, franchises and hereditaments, and any sum and sums of money, and any manner and portion of goods and chattels, given and bequeathed unto them, respectively, to be employed and disposed of according to the objects, articles and conditions of the instrument, upon which said corporations, respectively, are as aforesaid formed and established, or according to the articles and by-laws of the said corporations, respectively, or of the will and intention of the donors. *Provided always nevertheless,* That the clear yearly value or income of the messuages, houses, lands and tenements, rents, annuities, or other hereditaments, and real estate of the said corporations, respectively,

Corporations  
to have a  
seal;

may sue and  
be sued;

and may  
make by-  
laws;

Proviso as to  
by-laws.

The corpora-  
tion may also  
hold real and  
personal  
estate.

Proviso, as  
to the annual  
amount.



1791. and the interest of money by them respectively lent, shall not exceed the sum of five hundred pounds.

Legacies to corporate bodies, how to be made known to them.

SECT. v. And whereas bequests and legacies may be made to public institutions, of which such institutions may not derive the benefits intended, from a want of due information: Therefore, *Be it enacted by the authority aforesaid*, That when any last will and testament is brought to be recorded in any of the registers offices of this state, which shall contain any bequest or legacy to a public corporate body, the register is hereby enjoined and required, that, within six months, he shall make known, by letter, addressed to the corporate body in whose favour such bequest or legacy is made, the nature and amount of the same, together with the names of the executors of such last will and testament.

Passed 6th April, 1791.—Recorded in Law Book No. IV. page 156.

## CHAPTER MDXXXVIII.

*An ACT for erecting the remainder of Shauchan's, and part of Bently's district, in Washington county, into a separate election district.*

WHEREAS the freemen within the remainder of Shauchan's election district, and part of Bently's, or the second district of Washington county, have represented, by their petitions, that it is inconvenient for them to attend at the house of John Hill, at the general election.

Where the inhabitants of Shauchan's district are to hold their elections.

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the freemen within that part of Shauchan's district, beginning on the river Monongahela; thence along the line of Allegheny and Washington counties, to the boundary of the fourth district; thence along the boundary of the fourth district, to the head of Peter's creek; thence by the boundary of Washington district, to the road leading from the town of Washington to Sweringen's upper ferry; thence along said road, to the road leading to the Chester's ferry, on the river Monongahela; thence down said river to the place of beginning; to hold their general and other elections at the present dwelling-house of David Hamilton.

Passed 6th April, 1791.—Recorded in Law Book No. IV. page 159.

## CHAPTER MDXL.

*An ACT to vest in trustees, for the use of the society of people called Quakers, certain lots of ground therein mentioned.*

Passed 6th April, 1791.—Private Act.—Recorded in Law Book No. IV. page 160.



## CHAPTER MDL.

1791.

An ACT for erecting the townships of Union and Wayne, in the county of Mifflin, into separate election districts, and for altering the place of holding the fifth election district in the county of Northumberland.

WHEREAS it has been found extremely inconvenient for the freemen of Union and Wayne townships, in the county of Mifflin, to attend at Lewis-town, for the purpose of holding their annual elections, as the law directs: For remedy whereof,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the township of Union, in the county of Mifflin, be, and the same is hereby, erected into a new and separate district; and the freemen of said township of Union shall hereafter meet at the house now occupied by Captain Hugh M'Lelen, in the said township of Union, for the purpose of holding elections for members of General Assembly, and other elective officers for said county of Mifflin, conformably to the constitution and laws of this commonwealth.

The township of Union an election district.

SECT. II. *And be it further enacted by the authority aforesaid,* That the township of Wayne, in the said county of Mifflin, be, and the same is hereby erected into a new and separate district: and the freemen of said township of Wayne shall hereafter meet at the house now occupied by Edward Johnston, in the said township of Wayne, for the purpose of holding elections for members of General Assembly, and other elective officers for said county of Mifflin, conformably to the constitution and laws of this commonwealth.

The township of Wayne an election district.

SECT. III. And whereas, by an act of the General Assembly, passed on the nineteenth day of September, one thousand seven hundred and eighty-six, the freemen of Potter's township, in the county of Northumberland, were enabled to hold their annual election at the house of George M'Cormick, in the township aforesaid, and be called the fifth district in the county aforesaid: And whereas, by an act of the General Assembly, passed the nineteenth day of September, one thousand seven hundred and eighty-nine, entitled "An Act, for erecting certain parts of Cumberland and Northumberland counties into a separate county," one half of the space included in the said district is now in the county of Mifflin: And as the remaining inhabitants, by their petition to a former house requested that the place of holding their annual election may be removed to Aaronsburg: *Be it therefore enacted by the authority aforesaid,* That the freemen in the said fifth election district in the county of Northumberland shall, from and after the passing hereof, hold their annual elections at the house of Aaron Levy, in the town of Aaronsburg, any thing in a former law to the contrary notwithstanding.

Where elections to be held in the 5th district.

Passed 9th April, 1791.—Recorded in Law Book No. IV. page 178.

1791.

## CHAPTER MDLVIII.

[See a supplement to this act post. chap. 1634, making sundry alterations herein.]

*An ACT to provide for the opening and improving sundry navigable waters and roads within this commonwealth.*

[SECT. I. THE Governor empowered to contract for making improvements in certain roads and rivers, viz. rivers :

1. Delaware, from the falls of Trenton to the northern boundary of this state, £. 3500.
2. Leckawaxen and Lehigh, from their junction with the Delaware, up their several streams, as far as the several sums allotted will admit, 1. £. 250, 2. £. 1000.
3. Schuylkill, from the lower falls to *Reading*, £. 2500.
4. Susquehanna, from Wright's ferry to Starucca, at the Great Bend at the New-York line, £. 6290, to be apportioned to particular parts of the river.
5. West branch of Susquehanna, from its mouth to the mouth of Sinnemahoning, thence up Sinnemahoning to its north branch, and thence up the north branch to the Driftwood, £. 660, to be apportioned, &c.
6. Allegheny from the mouth of Conewango, up to the intersection thereof by the road from the Driftwood, £. 150.
7. French creek, from its mouth on Allegheny, up to the road leading therefrom to Presque-isle, £. 400.
8. Juniata, from its mouth to Water-street, and from thence to Frankstown, £. 2320.
9. Little Conemaugh, from its mouth upwards, £. 4000.
10. Conemaugh, from Stony Point to Richard's run, from thence through Chesnut ridge, and from Chesnut ridge to Loyal Hannon, £. 2800.
11. Kiskiminetas, to the second falls inclusive, and from thence to the river Allegheny, £. 350.

SECT. II. Roads : 1. From Stockport, on Delaware, to Harmony on Susquehanna, £. 400.

2. From Driftwood on Sinemahoning, to the river Allegheny, observing a northerly course, £. 460.
3. From French creek to Presque-isle, on Lake Erie, £. 400.
4. From Frankstown to Poplar run, £. 300.
5. From Poplar run to Conemaugh, £. 360. [Altered post. chap. 1634.]
6. From the forks of Little Connemaugh, to the mouth of Stony creek, £. 180. [Altered post. chap. 1634.]

SECT. III. Appropriates for the rivers, as annexed to each number.

SECT. IV. Appropriates for roads as annexed to each number.

SECT. V. Certain bank stock appropriated for making the improvements.

SECT. VI. Makes appropriations for sundry other roads, viz.

1. Wilkes-Barrè to the Wind gap, £. 500.
2. Harrisburg, through the narrows at the end of the Kittatinny mountain and Peter's mountain, and to intersect the road leading from Harrisburg to Sunbury, at or near Halifax, £. 600.
3. From Frankstown to Pittsburg, in the straightest practicable line, £. 300. [Altered post. chap. 1634.]
4. From Bedford to Pittsburg, £. 500.



5. From Reading to Sunbury, £. 300.
6. From Bedford, crossing Youghiogeny at or near the Great Falls, to the west side of Laurel Hill, £. 400. [Altered, post. chap. 1633.]
7. From the mouth of Juniata to David Miller's, on Juniata, through Dick's gap, £. 300. [Altered, post. chap. 1633.]
8. Through the Long Narrows, £. 180.
9. Jacks' and Igoe's Narrows on Juniata, £. 120.
10. From near Catawessy, on the north branch of Susquehanna, to Hamburg on Schuylkill, £. 300.
11. From York town to Cooper's ferry, £. 100.
12. From Fulton's ferry on Susquehanna towards Newport, £. 300.
13. From Callender's mill, over Croghan's gap, to West's mill, £. 200.
14. Through the Upper part of Berks county down to Schuylkill, £. 300.
15. From Keplinger's mill, up Little Schuylkill to Susquehanna, £. 300.
16. Through Nichol's gap, over the South mountain, £. 250.
17. From Middle creek to Grubb's furnace, £. 200.
18. Through Black's gap, over the South mountain, £. 100.
19. From Buchanan's, on the east side of the North mountain, and through the Great cove, to the foot of Sideling hill, £. 200.
20. From Fort Penn, on the east side of the northwest branch of Brodhead's creek, to Wallenpaupeck near the Great falls, and from thence by or near the Indian orchard, between the river Delaware and Shohocking creek to the river Susquehanna, £. 400. [Altered, post. chap. 1633.]

SECT. VII. The Governor to contract for opening the roads.

SECT. VIII. *Be it enacted by the authority aforesaid,* That the Governor, for the time being, shall cause fair copies of all contracts by him made, in virtue of this act, to be entered in a book or books, to be by him directed to be kept for that purpose, and shall be signed by the parties entering into such contracts; and no contracts shall be entered into as aforesaid, without taking one or more sufficient bondsmen for the just and perfect fulfilment of the contract, on the part of the person or persons so entering into the same; and the said book and books shall be presented, for the inspection of the legislature, from time to time, when so required.

Books to be kept, &c.

Security to be kept by the govern-  
&c.

SECT. IX. Agents of information to be employed.

SECT. X. *And be it enacted by the authority aforesaid,* That the Governor shall cause a fair and clear account to be kept of each distinct and separate appropriation, distinguishing the expenses of each of the several waters and roads herein before recited, to be entered in a book or books, to be provided for that purpose, to be presented to the legislature, from time to time, for their inspection, when thereto required.

Accounts to be kept by the govern-  
or

SECT. XI. Annual appropriations of £. 5000, for roads, (repealed by act of 11th of April, 1793.)]

(Note. *This act is in substance obsolete, except so far as may be necessary to enforce some unsatisfied contracts.*)

Passed 13th April, 1791.—Recorded in Law Book No. IV. page 188.



1791.

## CHAPTER MDLXIII.

*An ACT to provide for the support of the government of this commonwealth.*

**WHEREAS** the formation of a new system of government in this commonwealth, the extinction of some offices heretofore established, and the substitution of others, render it necessary to provide reasonable and adequate compensations for those who are, and shall be, employed in the service of the public :

Salaries &c.  
of the officers of gov-  
ernment.

**SECT. I.** *Be it therefore enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the public officers hereafter mentioned shall, respectively, be entitled to receive of this commonwealth, in full compensation of their respective services in such offices, the annual salaries and daily appointments hereafter mentioned ; that is to say,

The Governor for the time being, the sum of two thousand pounds per annum.

The Speaker of the Senate, when he shall exercise the office of Governor, in the cases provided for by the constitution, at the rate of twelve hundred and fifty pounds per annum.

The Speaker of the Senate, for every day he shall attend the Senate, when he shall not exercise the office of Governor, and the Speaker of the Senate pro tempore, the sum of twenty-two shillings and six pence per diem. (*o*)

The Speaker of the House of Representatives, the sum of twenty-two shillings and six pence, for every day he shall attend the House of Representatives. (*p*)

The members of the Senate and House of Representatives, respectively, the sum of fifteen shillings, for every day they shall attend upon their respective duties. (*q*)

The Chief Justice of the Supreme Court, the sum of one thousand pounds per annum, and thirty shillings per day, whilst on the circuit, as a full allowance for all travelling expenses.

The Assistant Judges of the same court, the sum of six hundred pounds per annum, respectively, and thirty shillings per day, whilst on the circuit, as a full allowance for all travelling expenses. (*r*)

[This court  
abolished.]

[The three Associate Judges of the High Court of Errors and Appeals, six dollars, for every day they shall attend during the session of the said court.]

The President of the courts of Common Pleas of that circuit, which shall include the city and county of Philadelphia, the sum of six hundred pounds per annum ; (*s*) and the other presidents of the several courts of Common Pleas, the sum of five hundred pounds per annum, respectively. (*t*)

(*o*) Increased one dollar per diem, post. chap. 1665, 8th April, 1793.

(*p*) Increased one dollar per diem, ibid.

(*q*) Increased one dollar per diem, ibid.

(*r*) Increased 400 dollars per an-

num, chap. 1887, 1995, 4th April, 1796, and 4th April, 1798.

(*s*) Increased 400 dollars per annum, ibid.

(*t*) Increased 266 dollars 66 cents, ibid.

The judges of the said courts, the sum of thirty pounds per annum, respectively. (*u*) 1791.

The Attorney-General, the sum of two hundred and fifty pounds per annum. (*x*)

The Treasurer of the state, the sum of five hundred pounds per annum.

The Surveyor-General, the sum of five hundred pounds per annum.

The Secretary of the Land-Office the sum of five hundred pounds per annum.

[The Receiver-General of the Land-Office, the sum of five hundred pounds per annum.]

[The Comptroller-General, the sum of eight hundred pounds per annum. [These offices abolished.]

The Register-General, the sum of five hundred pounds per annum.]

[The clerks of the Senate and House of Representatives, respectively, the sum of twenty shillings for every day they shall attend upon their respective duties, with such further occasional allowances for assistants and extraordinary services, as each house, respectively, shall from time to time deem necessary.] [Repealed and supplied by annual salaries and daily pay. 22d April, 1794. chap. 1749.]

[The sergeants-at-arms of the Senate and House of Representatives, respectively, the sum of ten shillings, for every day they shall attend upon the duties of their several stations.]

[And the door-keepers of the Senate and House of Representatives, respectively, the sum of ten shillings for every day they shall attend upon the duties of their several stations.]

SECT. II. *Be it further enacted by the authority aforesaid,* That every member of the Senate and of the House of Representatives shall be further allowed, once in each sitting of the General Assembly, the sum of nine pence for each mile he shall travel in coming to, and returning from the Legislature. [Travelling expenses of the members to be paid.]

SECT. III. *Be it further enacted by the authority aforesaid,* That a further annual allowance shall also be made to the public officers hereafter mentioned, for the purpose of employing a clerk or clerks in their respective offices; that is to say, [Specific sums allowed for clerks, &c.]

[To the Surveyor-General, the sum of two hundred and fifty pounds per annum. [Altered, from time to time, by subsequent laws.]

To the Secretary of the Land-Office, the sum of two hundred and fifty pounds per annum.

To the Receiver-General of the Land-Office, the sum of two hundred and fifty pounds per annum.

To the Comptroller-General, the sum of two hundred and fifty pounds per annum.

To the Register-General, the sum of two hundred and fifty pounds per annum.

(*u*) The compensation of the Assistant Judges of the county of Philadelphia, is increased 120 dollars per annum, and of other Assistant Judges throughout the state 60 dollars. See post. chap. 1665.

(*x*) The Attorney-General to receive the usual fees in his office. See post. chap. 1622, 4th April, 1792. (*Notes to former edition.*)

1791.

Additional  
clerks, how  
to be allow-  
ed

And to the State Treasurer, the sum of two hundred pounds per annum.]

SECT. IV. *Be it further enacted by the authority aforesaid, That besides the allowances already made by the provisions of this act, there is hereby vested in the Governor a discretionary power, (on application of the officers of the before mentioned departments,) to sanction the employment of additional clerks, whenever the urgent business of the offices requires it; provided the whole amount of the expense thereof does not exceed the following sums, in the respective offices:*

In that of the Surveyor-General, the sum of seventy-five pounds.

Of the Secretary of the Land-Office, the sum of seventy-five pounds.

(Obsolete.)

[Of the Receiver-General, the sum of seventy-five pounds.]

[\*Repealed  
30th March,  
1811]

[Of the Treasurer,\* the sum of one hundred and fifty pounds.]

(Obsolete.)

[Of the Comptroller-General, the sum of four hundred pounds.]

(Obsolete.)

[Of the Register-General, the sum of seventy-five pounds.]

And the faith of the state is hereby pledged to provide for the increased expenses, incurred in consequence of this arrangement.

The salaries  
and pay  
when to  
commence.

SECT. V. *And be it further enacted by the authority aforesaid, That the said salaries and allowances, respectively, shall commence from the passing of this act, except the following, which shall respectively commence from the several periods hereafter mentioned; that is to say,*

For the Governor, from the third Tuesday of December last.

For the Speaker and members of each branch of the legislature, and their several officers, from the commencement of their services, respectively.

For the Chief Justice and Assistant Judges of the Supreme Court, from the respective dates of the commissions to them granted, or to be granted, by the Governor.

And for the Presidents and Judges of the Courts of Common Pleas, from the first day of September next.

Passed 13th April, 1791.—Recorded in Law Book No. IV. page 198.

## CHAPTER MDLXIV.

*An ACT to establish the judicial courts of this commonwealth, in conformity to the alterations and amendments in the constitution. (y)*

WHEREAS it is expedient to carry into effect the provisions of the constitution respecting the courts of justice in this commonwealth, and so to organize the same, as to secure an efficient, safe, and uniform administration of the laws: Therefore,

(y) For a general view of the various acts respecting the judiciary department, and the many alterations in the constitution and jurisdiction of the courts of justice in Pennsylvania, see 1st vol. chap. 255, page 131, and the notes there subjoined. (*Note to former edition.*)



SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the Supreme Court shall be established, in the same manner, and with the same powers, as it hath been heretofore established by the laws of this commonwealth, consistently with the provisions made in and by the constitution of this state : *Provided nevertheless,* That from and after the thirty-first day of August next, there shall be only three terms of the said court holden in every year ; that is to say, one term beginning on the first Monday in January, which term shall continue three weeks, and no longer ; another term beginning the first Monday in April ; and a third term beginning on the first Monday in September ; each of which last mentioned terms shall continue two weeks, and no longer : And that the courts of Nisi Prius shall be held at such intermediate times, as the Justices of the said court shall judge most convenient for the people.

The Supreme court established ;

to hold three terms in each year ;

(Five districts established for Supreme Court. See note to chap. 255, vol. 1, pa. 131.)  
and courts of Nisi Prius.

[SECT. II. *And be it further enacted by the authority aforesaid,* That in order to render effectual the provisions made in the said constitution for establishing the courts of common pleas, this commonwealth shall be and hereby is, divided into five districts, or circuits, to be limited as follows, that is to say ; the first circuit to consist of the city and county of Philadelphia, and the counties of Bucks, Montgomery and Delaware ; the second circuit to consist of the counties of Chester, Lancaster, York and Dauphin ; the third circuit to consist of the counties of Berks, Northampton, Luzerne and Northumberland ; the fourth circuit to consist of the counties of Cumberland, Franklin, Bedford, Huntingdon and Mifflin ; and the fifth circuit, or district, to consist of the counties of Westmoreland, Fayette, Washington and Allegheny.]

The state divided into five districts.

(See act of 24th Feb'y, 1806, (chap. 2634.) ten districts established.)

SECT. III. *And be it further enacted by the authority aforesaid,* That in and for each of the said districts, or circuits, a person of knowledge and integrity, skilled in the laws, shall be appointed and commissioned by the governor, to be President and Judge of the courts of Common Pleas within such district, or circuit, and that a number of other proper persons, not fewer than three, nor more than four, shall be appointed and commissioned Judges of the courts of Common Pleas in and for each and every of the counties of this commonwealth ; which said Presidents and Judges shall, after the said thirty-first day of August next, respectively, have and execute all and singular the powers, jurisdictions and authorities of Judges of the Courts of Common Pleas, Judges of the courts of Oyer and Terminer and General Gaol Delivery, Judges of the Orphans' courts, and Justices of the Courts of Quarter Sessions of the peace, agreeably to the laws and constitution of this commonwealth.

A president to be appointed in each district ;

number of associates limited.

(Since reduced.)

The powers of the judges, &c.

SECT. IV. *[Be it enacted by the authority aforesaid,* That the courts of Common Pleas and Quarter Sessions of the Peace shall be held at the same times, and in the same places, as they are now held under the subsisting laws of this commonwealth, except the courts of Common Pleas and the courts of Quarter Sessions of the Peace in the county of Delaware, which shall be held at the times following the courts of Common Pleas on the first Tuesdays in the months of February, May, August and November, and the said

Courts when to be holden.

(Supplied by act of 24th February, 1806 chap. 2634.)

1791. courts of Quarter Sessions on the Mondays next preceding the first Tuesdays in the several months aforesaid.]

The register's court, how constituted, &c.

SECT. V. *And be it further enacted by the authority aforesaid,* That the said President and Judges, or any two of them, and the Register of wills, shall compose the Register's Court in each county, and shall have all and singular the powers, jurisdictions and authorities, thereunto belonging.

Orphans court when to be held.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the Orphans' Court shall be held at such stated times, as the judges of the said court, in their respective counties, shall for each year ordain and establish.

How indictments may be removed into the supreme court :

SECT. VII. *And be it further enacted by the authority aforesaid,* That whensoever any person shall be indicted in any Court of Oyer and Terminer, Gaol Delivery, or Sessions of the Peace, the party charged shall be at liberty to remove the said indictment, and all proceedings thereupon, or a transcript thereof into the Supreme Court, by a writ of certiorari, or by writ of error, as the case may require. *Provided always,* That no such writ of certiorari, or writ of error, shall issue, or be available to remove the said indictment, and proceedings thereupon, or a transcript thereof, or to stay execution of the judgment thereupon rendered, unless the same shall be specially allowed by the Supreme Court, or one of the justices thereof, upon sufficient cause to it or him shewn, or shall have been sued out with the consent of the Attorney-General ; which special allowance or consent shall be in writing, and certified on the said writ.

Proviso.

What suits shall not abate by death of a party.

(Extended to ejectments by act of 13th April, 1807, post. chap. 2371.)

SECT. VIII. *And be it enacted by the authority aforesaid,* That where any suit shall be depending in any court in this commonwealth, and either of the parties shall die before final judgment, the executor or administrator of such deceased, who was plaintiff, petitioner or defendant, in case the cause of action doth by law survive, shall have full power to prosecute or defend such action until final judgment, and the defendant or defendants are hereby obliged to answer thereto accordingly ; and the court before whom such cause may be depending is hereby empowered and directed to hear and determine the same, and to render judgment for or against the executor or administrator, as the case may require ; and if such executor or administrator, having been duly served with a scire facias or citation, from the office of the clerk of the court where such suit is depending, sixty days before the meeting thereof, shall neglect or refuse to become a party to the suit, the court may render judgment against the estate of the deceased party, in the same manner as if the executor or administrator had voluntarily made himself a party to the suit ; and the executor or administrator, who shall become a party as aforesaid, shall, upon motion to the court where the suit is depending, be entitled to a continuance of the same until the next term or time of holding of the said court.

The proceedings how continued.

The president and judges may issue writs of habeas corpus.

SECT. IX. *Be it further enacted by the authority aforesaid,* That the said presidents and judges shall, from and after the said thirty-first day of August next, severally have the powers to issue writs of habeas corpus in vacation time, and out of term, and to give relief thereupon in the manner, and as fully, as the president of any



Court of Common Pleas in this commonwealth at present may or can do, by virtue of an act of Assembly, entitled "An act for the better securing personal liberty, and preventing wrongful imprisonments."

1791.

SECT. X. *And be it further enacted by the authority aforesaid,* That all acknowledgments and probates of deeds and conveyances of and concerning any lands, tenements and hereditaments, lying or being in any part of this state, made and done before any one of the Assistant or Associate Judges of the Courts of Common Pleas of any county within this state, shall be as effectual and available in law, to all intents and purposes whatsoever, as if the same were done before one of the Judges of the Supreme Court, or before the President of any of the Courts of Common Pleas within this commonwealth.

Acknowledgements and probates of deeds before an associate judge are valid.

SECT. XI. *And be it further enacted by the authority aforesaid,* That where lands are sold by the Sheriffs of the several counties of this state, by virtue of writs of fieri facias, levari facias, or venditioni exponas, issuing out of the Supreme Court, it shall and may be lawful for such Sheriffs to acknowledge the execution of deeds of conveyance to the purchasers of such lands before the Justices of the Supreme Court, or one of them, at their Court of Nisi Prius held in and for the county in which such lands lie, and that such acknowledgments shall be as good and effectual as if the same were made before the Justices of the Supreme Court in bank; and that whenever any lands, tenements or hereditaments, shall happen to be sold by virtue of writs of testatum, it shall and may be lawful for the Sheriff, who sells the same, to acknowledge the deed he makes to the buyer in the Court of Common Pleas of the county wherein the sale is made, which shall be as valid and effectual as if acknowledged in the county from which the process issued.

How sheriffs' deeds under executions from the supreme court may be acknowledged.

How under a testatum. [See vol. 1, pa. 57, (chap. 152,) and the notes there-to.]

SECT. XII. *And be it further enacted by the authority aforesaid,* That the Prothonotaries of the several Courts of Common Pleas within this commonwealth shall have the like power to sign all judgments, and writs and process, and to take bail in all actions in their respective courts, as they had for those purposes while they were Justices of the said courts, and, after the thirty-first day of August next, may as legally do the same, as any Judge of the same courts may or can do, affixing to all such writs and process the seals of the said courts, respectively; and that the Prothonotary of the Supreme Court shall have power to enter judgments confessed, in the manner usually practised in the said Supreme Court, which shall have like obligatory force, as if the said judgments were signed with his name; and shall have the like power to take bail, in all actions and suits removed thereto from any court or jurisdiction within this commonwealth, as by law he has, or may, or can do, in actions and suits originally commenced in the said Supreme Court, or as any Justice of the same court may or can do; and that the Prothonotaries and the clerks of the said Courts of Record in this commonwealth shall have full power and authority to administer oaths and affirmations, respectively, in conducting the business of their respective offices, in as full and ample manner as any Judge or Justice of the courts aforesaid might or could do therein.

Power of prothonotaries extended to signing judgments, &c.

The prothonotary of the Supreme Court may enter judgment by confession, &c.

The prothonotaries may administer oaths, &c.



1791.

Writs depending not to abate.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That all writs and suits, as well civil as criminal, which, on the said thirty-first day of August, shall be depending and undetermined in any court of justice in this commonwealth, shall be deemed to be depending in the same state, and shall proceed to a final determination, before the several courts in this act mentioned, having either original or appellant jurisdiction therein.

How satisfaction to be entered on judgments paid off.

SECT. XIV. And whereas it frequently happens that judgments long remain unsatisfied on record, although the monies for which these judgments have been rendered are justly discharged, whereby defendants in such cases, as well as the subsequent purchasers of real property, suffer much vexation and inconvenience: *Be it enacted by the authority aforesaid,* That from and after the thirty-first day of August next, each and every person, having received satisfaction for his or their debt or damages, recovered by judgment in any Court of Record within this commonwealth, shall, at the request of the defendant or defendants in the action, or of his, her or their legal representatives, or other persons concerned in interest therein, on payment of the costs of suit, and on tender of his reasonable charges and the costs of office for entering satisfaction, within eighty days after such request made, enter satisfaction of the judgment in the office of the Prothonotary of the court where such judgment was or shall be entered, which shall for ever thereafter discharge, defeat and release the same; and if such person, having received such satisfaction, as aforesaid, by himself, or his attorney, shall not, within eighty days after request and payment of the costs of suit, and tender of charges as aforesaid, repair to the said office, and there enter satisfaction, as aforesaid, he, she or they, refusing or neglecting so to do, shall forfeit and pay unto the party or parties aggrieved any sum of money, not exceeding one half of the debt or damages so adjudged and recovered, to be sued for and demanded by the defendant, or persons damnified, in like manner as other debts are now recoverable by law in this commonwealth.

No judge shall practise as attorney or counsellor.

SECT. XV. *And be it further enacted by the authority aforesaid,* That no Judge of any Court of Record mentioned in this act shall practise as an attorney or counsellor, in any court of justice in this commonwealth, or elsewhere.

When writ of error, or appeal may be brought to the High Court of Errors and Appeals.

[SECT. XVI. And whereas it is requisite that the good people of this commonwealth should enjoy the full benefit of a competent jurisdiction within this state, for the hearing, determining and judging, in the last resort, upon complaints of error at common law, and also that a competent Court of Appeals should be provided within the same, for reviewing, reconsidering and correcting the decrees and sentences of the several Register's Courts: *Be it therefore enacted by the authority aforesaid,* That when any final judgment shall be hereafter given in the Supreme Court in any suit or action, real, personal, or mixed, or when any final decree or sentence shall be pronounced by any Register's Court, the party or parties, his, her or their heirs, executors or administrators, against whom such judgment, decree or sentence shall be given, may sue forth, in the case of a complaint of error in the Supreme Court, a writ of error, according to the course of the common law, under the less seal of

the commonwealth, directed to the Chief Justice, or other Justice or Justices of the said court, commanding him or them to cause the record, and all other things concerning the judgment complained of, to be brought before the court herein after mentioned and constituted; and in case of an appeal from the definitive sentence or decree of any Register's Court, the appellant or appellants shall be allowed and shall have his, her or their appeal to the High Court of Errors and Appeals herein after constituted.] 1791.

(Repealed.)

[SECT. XVII. *And be it further enacted by the authority aforesaid,* That the Judges of the Supreme Court, the Presidents of the several Courts of Common Pleas for the five districts, or circuits, aforesaid, together with three other persons of known legal abilities, to be appointed and commissioned during good behaviour, and removable from office in the same manner as the Judges of the Supreme Court now are, be, and they are hereby constituted a Court of Record, by the name, style and title of the High Court of Errors and Appeals; which said High Court of Errors and Appeals, or any five or more of the Justices composing the same, shall have power and authority to examine all such errors, as shall be assigned or found in or upon any such judgment given in the Supreme Court, and thereupon to affirm or reverse the same judgment, as the course of the common law and justice shall require, other than for errors to be assigned for want of form in any writ, return, plaint, bill, declaration, or other pleading, process, verdict, or proceeding whatsoever; and that after the said judgment shall be affirmed, or reversed, the record and proceedings, and all things concerning the same, shall be remitted into the said Supreme Court, to the end that such further proceedings may be had thereon, as well for execution as otherwise, as to justice shall appertain; and the said High Court of Errors and Appeals shall receive, hear and decide all such appeals from the Register's Courts, as aforesaid. *Provided always,* That such of the Justices of the Supreme Court, and such of the Presidents of the Courts of Common Pleas, who shall have heard and determined, or given any judgment, in any of the causes removed or brought by writ of error, or by appeal, into the said High Court of Errors and Appeals, shall be excluded from sitting, judicially, on the hearing of the same cause or controversy in the said High Court of Errors and Appeals. *Provided nevertheless,* That no such writ of error shall be granted, nor any appeal allowed, as aforesaid, unless an affidavit be filed with the clerk of the said High Court of Errors and Appeals, made by the plaintiff or plaintiffs in error, or the appellant or appellants, or his, her or their agent or attorney in fact, attesting, that the matter in controversy exceeds the value of four hundred dollars: And the plaintiff in error, or appellant, or in case of his, her or their absence, then his, her or their agent or attorney in fact, shall enter into recognizance to the defendant in error, or appellee, with two sufficient sureties, in double the sum, or double the value in dispute, conditioned to prosecute his, her or their writ of error, or appeal, with effect in the said High Court of Errors and Appeals, and that if the judgment or decree shall be affirmed, or if the plaintiff or plaintiffs in error, or appellant, shall fail to prosecute his, her or their suit with effect,

High court of errors and appeals how constituted. (Repealed.)

Powers of the court.

The record to be remitted.

Proviso.

Proviso.

The plaintiff in error or appellant, shall enter into recognizance to prosecute, &c.



1791. then to satisfy the condemnation money, together with damages, or otherwise abide the judgment in error, or decree in appeal, with double costs; which said recognizance shall be taken before one of the Justices of the Supreme Court, or before the Register for the probate of wills and granting letters of administration, as the case may be, and subscribed by such Judge or Register; but if the said judgment or decree shall be reversed, each party shall pay his, her or their own costs in the said High Court of Errors and Appeals; and until such security shall be given, the power, authority or proceedings of the said Supreme Court or Register's Court, respectively, shall not be suspended.]

Depositions taken before the register to be part of the proceedings on an appeal, &c.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That upon the hearing of any cause litigated before the said Register's court, the depositions of the several witnesses examined therein shall be taken in writing, and made part of the proceedings in the cause, upon which the said High Court of Errors and Appeals may reverse the decree of the said Register's courts, for any error arising either in law or fact, or affirm the same, according to the merits and justice of the case: *Provided always,* That if the Register's court, upon a dispute upon facts arising before them, shall send an issue into the court of Common Pleas of the county, to try the said facts, which they shall do at the request of either party, and a verdict establishing the said facts be returned, the said facts shall not be re-examined on appeal;\* and that no appeal from the decree of the said Register's courts, concerning the validity of a will, or the right to administer, shall stay the proceedings or prejudice the acts of any executor or administrator pending the same, provided the executor shall give sufficient security for the faithful execution of the will and testament to the register; but in case of refusal the said register is hereby directed to grant letters of administration during the dispute, which shall suspend the power of such executor during that time.

Proviso.

\*[See vol. 1, page 39.]

The High Court of Errors and Appeals when to sit, and how adjourn. (Repealed.)

[SECT. XIX. *And be it further enacted by the authority aforesaid,* That the said High Court of Errors and Appeals shall sit in the city of Philadelphia, at least once in every year; that is to say, on the second Monday in the month of July; and if there be any causes depending, the said court shall have power to adjourn from time to time, and to require and compel the attendance of sheriffs, coroners, constables, and other ministerial officers, as fully as any court in this commonwealth can or may do.]

Writs of error, &c. to be brought within seven years.

SECT. XX. *And be it further enacted by the authority aforesaid,* That no fine or common recovery, nor any judgment in any real, personal or mixed action, nor any appeal from the said Register's courts, shall be avoided, or reversed, for any defect or error therein, unless the writ of error be commenced, or the appeal brought and prosecuted with effect, within seven years after such fines levied, common recovery suffered, judgment signed, or entered of record, or decree be pronounced: *Provided nevertheless,* That if any person, who is, or shall be, entitled to any such writ of error or appeal, as aforesaid, shall, at the time such title accrued, be within the age of twenty-one years covert, non compos mentis, in prison, or out of the limits of the United States of America, that then such person, his or her heirs, executors or administrators,

Proviso, as to persons under legal disabilities.



(notwithstanding the said seven years be expired) shall and may bring his, her and their writ of error or appeal, for the reversing of such fine, recovery or judgment, so as the same be done within five years after his or her full age, discovery, coming to sound mind, enlargement out of prison, or return into some one of the United States of America, but not afterwards, nor otherwise.

1791.

SECT. XXI. [*And be it further enacted by the authority aforesaid,* That each of three persons to be appointed, and associated with the judges of the Supreme Court and the presidents of the Courts of Common Pleas as judges of the said High Court of Errors and Appeals, shall be entitled to the sum of six dollars for each day they shall attend upon the business of the said court, for which the governor shall draw warrants upon the state treasurer, countersigned by the Comptroller-General and Register-General.]

Pay of the  
associate  
judges of  
this court.

(Repealed.)

SECT. XXII. [*And be it further enacted by the authority aforesaid,* That the act of assembly, entitled "An Act for erecting an High Court of Errors and Appeals," passed the twenty-eighth day of February, in the year one thousand seven hundred and eighty, and so much of any former act or acts of Assembly, as is hereby altered or supplied, shall be, and the same is hereby repealed, and made void: *Provided nevertheless,* That all such writs of error and appeals, which have been heretofore brought, and were depending and undetermined in the said High Court of Errors and Appeals, at the time of making and declaring the amendments and alterations of the constitution of this commonwealth, shall be held to be depending in the same state, and shall be determined by the justices of the said High Court of Errors and Appeals, established by this act, in the same manner as writs of error and appeals hereafter to be brought and returned into the said court.]

Repeal of the  
former law,  
and parts of  
laws sup-  
plied by this  
act.

Proviso.  
(Obsolete.)

Passed 13th April, 1791.—Recorded in Law Book No. IV. page 201.

## CHAPTER MDLXVI.

**A SUPPLEMENT** to an act, entitled "An Act for erecting certain parts of the counties of Westmoreland and Washington into a separate county."

**WHEREAS** in and by the act, entitled, "An Act for erecting certain parts of the counties of Westmoreland and Washington into a separate county," the trustees therein named, or any three of them, were authorized, within five years after the time of passing the said act, to make choice of any of the lots set apart for public buildings in the reserved tract opposite to the town of Pittsburgh, and thereon to erect a court-house and prison, sufficient to accommodate the public business of the said county: And whereas it has been represented to the legislature by a number of the inhabitants of the said county, that from a variety of causes it would be highly inconvenient to erect the said public buildings in the situation proposed, and therefore they have prayed the legislature to cause the same to be erected in the town of Pittsburgh:

[Ante. chap.  
1348, vol. 2,  
page 443.]

1791. And whereas the reasons alleged for so doing appear to be forcible and conclusive :

Repeal of a former act in part.

SECT. I. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the said act of Assembly, as authorizes the trustees therein named, or any of them, to erect a court-house and prison on any part of the reserved tract opposite to the town of Pittsburgh, shall be, and the same is hereby repealed.

Trustees appointed to purchase a lot for that purpose.

SECT. II. *Be it enacted by the authority aforesaid,* That George Wallace, Devereux Smith, William Elliot, Jacob Bousman and John Wilkins, or any three of them, shall be and they are hereby authorized and required to purchase, and take assurance in the name of the commonwealth, for the use and benefit of the county of Allegheny, of some convenient piece of ground in the said town of Pittsburgh, and thereupon to erect a court-house and prison, sufficient for the public purposes of the said county; for which end they shall be invested with the like powers, and entitled to call upon the commissioners of the said county for the same sum of money, as in and by the said act was directed, for the purpose of erecting such buildings upon the said reserved tract, any thing in the said act to the contrary notwithstanding.

Passed 13th April, 1791.—Recorded in Law Book No. IV. page 210.

## CHAPTER MDLXX.

*An ACT ratifying on behalf of the state of Pennsylvania, the first amendment proposed by Congress to the constitution of the United States :*

(Ante. chap. 1481, vol. 2, page 516.)

WHEREAS in pursuance of the fifth article of the constitution of the United States, certain articles, in addition to and amendment of the said constitution, have been proposed by the Congress of the United States, for the consideration of the legislatures of the several states; And whereas the legislature of the state of Pennsylvania, having maturely deliberated thereupon, have resolved to adopt and ratify the article hereafter mentioned, as part of the constitution of the United States :

SECT. I. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the following article, in addition to and amendment of the constitution of the United States of America, proposed by the Congress thereof, viz.

Ratification of an amendment to the constitution of the U. S.

“Article the first. After the first enumeration required by the first article of the constitution, there shall be one representative for every thirty thousand, until the number shall amount to one hundred; after which the proportion shall be so regulated by congress, that there shall be not less than one hundred representatives, nor less than one representative for every forty thousand persons, until the number of representatives shall amount to two hundred;



after which the proportion shall be so regulated by congress, 1791.  
 that there shall not be less than two hundred representatives, nor  
 more than one representative for every fifty thousand persons," be,  
 and it is hereby, ratified, on behalf of the state of Pennsylvania, to  
 become, when ratified by the legislatures of three fourths of the  
 several states, part of the constitution of the United States.

Passed 21st September, 1791.—Recorded in Law Book No. IV. page 214. (z)

(z) See an act passed 6th February, 1811, adopting an amendment respect-  
 ing titles of nobility, pensions, &c,

## CHAPTER MDLXXI

*An ACT to repeal so much of every act or acts of assembly of this  
 state, as relates to the collection of excise duties.*

SECT. I. *BE it enacted by the Senate and House of Representa-  
 tives of the commonwealth of Pennsylvania in General Assembly  
 met, and it is hereby enacted by the authority of the same, That, so  
 much of every act or acts of assembly, as authorize the collection  
 of any duty or duties upon wine, rum, brandy, or other spirituous  
 liquors, shall be, and the same are hereby, repealed.*

Repeal of  
 the excise  
 laws;

SECT. II. *Provided always, and be it enacted by the authority  
 aforesaid, That nothing herein contained shall be deemed or con-  
 strued to prevent the recovery of all such duties upon the said ar-  
 ticles, as are now due to the commonwealth, nor to release or take  
 away any forfeiture or penalty, which any person or persons may  
 have incurred by reason of the said acts of assembly; but that all  
 prosecutions commenced, or which may be commenced in conse-  
 quence thereof, may be prosecuted to as full effect, as if such acts,  
 or parts thereof, had not been repealed.*

but not to  
 extend to  
 prior duties  
 or forfei-  
 tures.

Passed 21st September, 1791.—Recorded in Law Book No. IV. page 215.

## CHAPTER MDLXXII.

*A SUPPLEMENT to the Penal Laws of this state.*

WHEREAS by the alteration of the time of holding the su-  
 preme court, it is become difficult to execute that part of the act  
 of the general assembly of this commonwealth, which prescribes  
 the form of outlawries, and it is expedient that further provisions  
 should be made relative thereto, than are contained in the former  
 act of assembly made on that subject:

(See vol. 1,  
 page 105, and  
 the notes  
 thereon,  
 and vol. 2,  
 chap. 1505,  
 and the  
 notes there-  
 to.

SECT. I. *Be it therefore enacted by the Senate and House of  
 Representatives of the commonwealth of Pennsylvania, in General  
 Assembly met, and it is hereby enacted by the authority of the same,  
 That if any person, who hath been or shall be legally indicted, in  
 any court of criminal jurisdiction within this commonwealth, of  
 treason, felony of death, robbery, burglary, sodomy, or buggery, or  
 as accessaries before the fact to any of the same offences, did not or*

Process to  
 outlawry.



1791.

Proceedings  
to be re-  
moved into  
the supreme  
court.

Capias to  
be awarded;

if returned  
non est in-  
ventus, a  
second  
capias to  
issue,

when re-  
turnable :

If not found  
on the se-  
cond capias,  
proclamation  
to be made.

The said  
capias to  
command  
the sheriff  
to adver-  
tise, &c.

will not appear to answer to such indictment, or, having appeared, shall escape before trial, and the same indictment, record and proceedings, shall be removed by writ of certiorari into the supreme court of this commonwealth, it shall and may be lawful for the same court to award a writ of capias, directed to the sheriff of the county where the fact shall be charged to have been committed; and if the party indicted shall be supposed by the indictment to inhabit, or be conversant in, any other county, then also to the sheriff of such county; which writ or writs shall be delivered to the said sheriff or sheriffs, at least two months before the day of the return thereof, commanding the said sheriff or sheriffs, to take the person so indicted as aforesaid, if he or she may be found in his or their bailiwicks, and him safely keep, so that he may have his or her body before the justices of the said supreme court, at the next supreme court to be holden for the said commonwealth, to answer to the said indictment, or prosecute his or her traverse thereupon, as the case may be, and to be further dealt with as the law shall direct; and if the same sheriff or sheriffs shall make return to the same writ or writs of capias, that the person indicted as aforesaid cannot be found in his bailiwick, then, after such return, a second writ of capias may issue out of the said supreme court, and be delivered, at least three months before the return day thereof, to the sheriff of the county where the fact shall be charged to have been committed; and in case the party shall be supposed by the indictment to inhabit, or be conversant in, any other county, then another writ of capias shall also issue, and be delivered, at least three months before the return day thereof, to the sheriff of such county; which writ or writs of capias shall be returnable before the justices of same court, on the first day of the second term next after the teste of the said second writ of capias, so that a term shall intervene between the teste and return days of the same writ or writs, whereby the said sheriff or sheriffs shall be commanded to take the said person, so indicted as aforesaid, if he or she may be found in his or their bailiwicks, and him or her safely keep, so that he may have his or her body before the justices of the said supreme court, at the day of the return thereof, to answer or prosecute his or her traverse as aforesaid; but if he or she cannot be found in his or their bailiwicks, then to cause public proclamation to be made on three several days, in one of the Courts of Quarter Sessions of the Peace to be held for the said counties, respectively, between the teste and return days of the same writ or writs, that the party so indicted shall appear before the said Justices of the said Supreme Court, at a Supreme Court to be holden at the time and place contained in the same writs, to answer such indictment, or prosecute his or her traverse thereof, as the case may be, or, through default thereof, he or she will at the return of the same writ or writs be outlawed, and attainted of the crime whereof he or she was indicted as aforesaid; and the said second writ of capias, directed to the Sheriff of the county where the crime hath been or shall be charged to have been committed, shall contain a further clause, commanding the same sheriff, in case the person indicted as aforesaid cannot be found in his bailiwick, to cause public advertisement to be made in one or more of the public

newspapers of this state, once a week, in six succeeding weeks between the teste and return of the said second writ of *capias*, specifying therein the coming of the said second writ of *capias* to his hands, with the teste thereof, and the time and place of return to be made thereof, naming the person indicted as aforesaid, with his or her addition of degree, mystery and place of abode, as contained in the writ, stating the nature of the offence charged against him or her, and commanding him or her to appear before the justices of the said supreme court, at the day and place directed by the said second writ of *capias*, to answer to the said indictment, or prosecute his or her traverse thereof, as the case may be, or, through default thereof at the return of the said second writ of *capias*, he or she will be outlawed, and attainted of the crime whereof he or she shall have been indicted as aforesaid; and if upon the return of the same writ or writs last mentioned by the said Sheriff or Sheriffs, that the directions of the said writ or writs had been fully complied with and pursued, and the person indicted as aforesaid shall not yield himself or herself to one of the said Sheriffs, so that he may have his or her body before the Justices of the said Supreme Court, at the day and place as directed by the said writ or writs, or, having surrendered himself or herself, shall escape from his custody, or, having been bailed on his or her surrender or caption, shall not appear, so that, through want of his or her appearance at the time and place the said Supreme Court shall appoint for his or her trial, no trial of his or her offence can be had, the Justices of the said Supreme Court shall, in either of these cases, pronounce and declare the said person, indicted as aforesaid, and not appearing at the time and place appointed for his or her trial as aforesaid, to be outlawed, and attainted of the crime whereof he or she shall have been indicted as aforesaid, the same Supreme Court taking care to pronounce and declare the judgment of outlawry against the principal offender, previously to the declaration of outlawry against the accessory, against whom, in all other respects, it shall be lawful to carry on the proceedings together; and at the same time the said Supreme Court shall declare the legal punishment for the same crime; and wherever imprisonment shall be part of the sentence for any of the said offences, the term thereof shall commence from the time the person outlawed shall, subsequent to his or her outlawry, actually be in the custody of the Sheriff of the county where the offence was or shall be committed, which sentence shall be fully and particularly entered upon the records of the said Supreme Court; and the said sentence of outlawry shall have the legal effect of a judgment upon verdict, or confession, against the person so outlawed, for the offence whereupon he or she shall have been outlawed, unless and until the same outlawry shall be afterwards avoided by the judgment of the same court, on plea pleaded in the nature of a writ of error.

Court to pronounce sentence if defendant does not appear, &c.

How judgment to be pronounced, &c.

and punishment.

Imprisonment when to commence.

Effect of outlawry.

Proceeding to award execution on an outlawry, &c.

SECT. II. *And be it further enacted by the authority aforesaid,* That when any person outlawed as aforesaid shall be taken, either by *capias utlagatum*, or otherwise, or, being in the Sheriff's custody, shall be brought to the bar of the Supreme Court, the court shall, upon the suggestion and prayer of the Attorney-General, award



1791. execution to be done upon him or her, unless the prisoner shall plead, either *ore tenus*, or in writing, as his or her counsel shall advise, that he or she was not the person who was outlawed, or shall assign errors in fact or in law, sufficient to prevent the award of execution; in which case the court shall proceed to determine the same, either by an inquest, or by their own judgment, agreeably to law, and the prisoner shall by such plea have all the benefit and advantage of all legal matters in his or her favour, as if he or she had brought a writ of error, and had assigned the several matters pleaded as errors. *Provided always nevertheless, and be it further enacted by the authority aforesaid,* That if any person outlawed shall, within the space of one year next after the outlawry pronounced against him or her, yield him or herself to one of the Justices of the Supreme Court, and offer to traverse the indictment whereon the said outlawry shall be pronounced as aforesaid, that then he or she shall be received to the same traverse, and being thereupon found not guilty, by the verdict of a jury, of the offence for which he or she shall have been outlawed as aforesaid, he or she shall be clearly acquitted and discharged of the said outlawry, and of all penalties and forfeitures by reason of the same, as fully as if no such outlawry had been had, any thing herein before contained to the contrary thereof notwithstanding.

Outlawry  
may be set  
aside within  
one year,  
&c.

Costs how  
paid.

SECT. III. *And be it further enacted by the authority aforesaid,* That all the costs and charges of the said proceedings to outlawry shall be borne and paid by the county where the crime is laid to have been committed. *Provided always,* That if the person or persons so outlawed shall have real or personal estate, the same, or so much thereof as shall be necessary, shall be sold, by warrant from the commissioners of the said county, and the nett proceeds of such sales shall be applied to the payment of the said costs and charges, or so far as the same shall extend, in exoneration of the county.

Repeal of  
the law  
against  
witchcraft,  
&c.

SECT. IV. *And be it enacted by the authority aforesaid,* That so much of the act of Assembly, entitled "An act for the advancement of justice, and more certain administration thereof," as extends the British statute made in the first year of the reign of king James the First, chapter twelve, entitled "An act against conjuration, witchcraft, and dealing with evil and wicked spirits," is hereby repealed.

Persons  
standing  
mute, &c.  
how to be  
tried.

SECT. V. And whereas it may happen that persons, from obstinacy, may on their arraignment refuse to plead to indictments or informations found or exhibited against them, or challenge more of the persons summoned as jurors on their trials, than they are legally entitled to, and it being inconsistent with the principles of justice, that such obstinacy should subject any person to capital or other punishment, where all the effects of a plea may be otherwise obtained, and the illegal challenge be over-ruled, *Be it therefore enacted by the authority aforesaid,* That if any prisoner shall, upon his or her arraignment for any capital or inferior offence, stand mute, or not answer directly, or shall peremptorily challenge above the number of persons summoned as jurors for his or her trial, to which he or she is by law entitled, the plea of not guilty shall be entered for him or her on the record, the supernumerary challenges shall



be disregarded, and the trial shall proceed in the same manner, as if he or she had pleaded not guilty, and for his or her trial had put himself or herself upon the country, any law, custom or usage, to the contrary thereof in any wise notwithstanding. 1791.

SECT. VI. And whereas it sometimes happens that bastard children, begotten out of the state, are born within the state, and others, begotten within one of the counties of the state, are born in another county, and difficulties have arisen about the place of trial; and it is reasonable and just that the reputed fathers of bastard children should be at the expense of their maintenance: *Be it therefore enacted by the authority aforesaid*, That in the latter case, the prosecution of the reputed father shall be in the county where the bastard child shall be born, and the like sentence shall be passed, as if the bastard child had been or shall have been begotten within the same county; and in the former case, to wit, of a bastard child begotten out of the state, and born within the state, the like sentence shall be passed, except in the imposition of a fine or corporal punishment, in lieu thereof, which part of the sentence shall be omitted.

Bastardy  
how punish-  
ed, &c.

SECT. VII. Whereas it is unequal and unjust to offer an alternative for the punishment of offences, whereby the wealthy can be exonerated from corporal and infamous punishments, to which the indigent must be exposed: *Be it therefore enacted by the authority aforesaid*, That so much of an act of Assembly, entitled "An act against adultery and fornication," as declares that whipping, imprisonment at hard labour, or branding, shall or may be a part of the sentence, on conviction of adultery, shall be, and hereby is repealed; and that from and after the passing of this act, in all cases of conviction for adultery, a fine not exceeding fifty pounds shall be imposed, and in addition thereto, the offender shall be imprisoned for any time not exceeding twelve, nor less than three months.\*

Adultery  
how punish-  
ed.

\*See vol. 1,  
pa. 27, chap.  
122.

SECT. VIII. And be it further hereby enacted by the authority aforesaid, That in all cases of felony of death, robbery and burglary, it shall and may be lawful to punish the receivers of such felons, robbers and burglars, by fine and imprisonment, although the principal felon, robber, or burglar, cannot be taken, so as to be prosecuted and tried for said offences, which conviction and sentence of the said receivers shall exempt them from being prosecuted as accessaries after the fact, in case the principal felon, robber, or burglar, shall be afterwards taken and convicted.

Accessaries  
how punish-  
ed.

SECT. IX. And whereas it is reasonable and just, that restitution of goods stolen by robbers and burglars, or of their value, should be made to the lawful owners, before any forfeitures to the public should take place: Therefore, *Be it enacted by the authority aforesaid*, That wherever any person or persons shall be convicted of robbery or burglary, such person or persons shall be ordered to restore to the lawful owner or owners the goods and chattels so stolen, or to pay to him, her or them, the full value thereof, or of so much thereof as shall not be restored, and the forfeiture of his, her or their lands and chattels shall only extend to the residue thereof, after such restitution made as aforesaid; and the owner or owners of goods and chattels, stolen as aforesaid, shall have like remedy for

Restitution  
of stolen  
goods, how  
to be made.

1791. restitution, by executions issued by the court in which the attainders shall be had, as is provided by an act of Assembly in the case of conviction of larceny, entitled "An act for the advancement of justice, and more certain administration thereof."

Goods suspected to be stolen, may be taken into the magistrate's custody.

Proceedings in such case.

SECT. X. And whereas persons accused of burglary, robbery or larceny, frequently have stolen goods in their possession, the owners whereof may not be known, and it is reasonable that such goods should be secured for a time, for the benefit of the owners: *Be it therefore enacted by the authority aforesaid,* That when any person shall be accused before a magistrate, upon oath or affirmation, of any of the said crimes, and the said magistrate shall have issued his warrant to apprehend such person or persons, or to search for such goods as have been described on oath or affirmation to have been stolen, if any goods shall be found in the custody or possession of such person or persons, or in the custody or possession of any other person or persons for his, her or their use, and there is probable cause, supported by oath or affirmation, to suspect that other goods which may be discovered on such search are stolen, it shall and may be lawful for the said magistrate to direct the said goods to be seized, and to secure the same in his own custody, unless the person in whose possession the same were found shall give sufficient surety to produce the same at the time of his or her trial; and the said magistrate shall forthwith cause an inventory to be taken of the said goods, and shall file the same with the clerk of that court in which the accused person is intended to be prosecuted, and shall give public notice in the newspapers, or otherwise, by advertising the same in three or more public places in the city or county where the offence is charged to have been committed, before the time of trial, noting, in such advertisement, the said inventory, the person charged, and time of trial; and if on such trial the accused party shall be acquitted, and no other claimant shall appear, or suit be commenced, then, at the expiration of three months, such goods shall be delivered to the party accused, and he, she or they shall be discharged, and the county be liable to the costs of prosecution; but if he or she be convicted of larceny only, and, after restitution made to the owner, and the sentence of the court being fully complied with, shall claim a right in the residue of the said goods, and no other owner shall appear or claim the said goods, or any part of them, that then it shall be lawful notwithstanding the claim of the said party accused, to detain such goods for the term of nine months, to the end that all persons having any claim thereto may have full opportunity to come, and, to the satisfaction of the court, prove their property in them, on which proof the said owner or owners, respectively, shall receive the said goods, or the value thereof, if, from their perishable nature, it shall have been found necessary to make sale thereof, upon paying the reasonable charges incurred by the securing the said goods, and establishing their property in the same; but if no such claim shall be brought, and duly supported, then the person so convicted shall be entitled to the remainder of the said goods, or the value thereof, in case the same shall have been sold, agreeably to the original inventory; but if, upon an attainder of burglary or robbery, the court shall, af-



ter due enquiry, be of opinion that the said goods were not the property of such burglar or robber, they shall be delivered, together with a certified copy of the said inventory, to the commissioners of the county, who shall endorse a receipt therefor on the original inventory, register the said inventory in a book, and also cause the same to be publicly advertised, giving notice to all persons claiming the said goods to prove their property therein to the said commissioners; and unless such proof shall be made within three months from the date of such advertisement, the said goods shall be publicly sold, and the neat monies arising from such sale shall be paid into the county treasury, for the use of the commonwealth. *Provided always nevertheless,* That if any claimant shall appear within one year, and prove his or her property in the said goods, to the satisfaction of the commissioners, or, in the case of dispute shall obtain the verdict of a jury in favour of such claim the said claimant shall be entitled to recover and receive, from the said commissioners or treasurer, the neat amount of the monies paid as aforesaid into the hands of the said commissioners, or by them paid into the treasury of this commonwealth.

SECT. XI. *And be it enacted by the authority aforesaid,* That the cost accruing on all bills returned ignoramus by the grand jury of the city, or any county in this commonwealth, shall be paid out of the county stock, by the city or county in which the prosecution commenced, and not by the party charged before such grand jury with any felony, breach of the peace, or other indictable offence.

Costs on bills returned ignoramus to be paid by the county.

SECT. XII. *Be it enacted by the authority aforesaid,* That every person and persons who is, are, or shall be held in confinement, by order or judgment of any court of this commonwealth, for the costs of prosecution, shall be entitled to the benefit of the several acts of assembly of this commonwealth for the relief of insolvent debtors, and may be discharged from personal imprisonment by the court in which such prosecution was or may be had, so far as regards confinement of their bodies for said costs, if such court shall, on consideration of the circumstances of such person or persons, find that he, she or they are or shall be unable to discharge the said costs of prosecution; provided, that the like previous notices of such application for discharge from confinement be given to the several persons interested in the said costs, as the law requires where insolvent debtors in other cases apply for such discharge.

Persons confined for costs of prosecution, entitled to the benefit of the insolvent laws.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That where any person shall be brought before a Court, Justice of the peace, or other magistrate of any city or county in this commonwealth, having jurisdiction in the case, on the charge of being a runaway servant or slave, or of having committed a crime, and such charge, upon examination, shall appear to be unfounded, no costs shall be paid by such innocent person, but the same shall be chargeable to and paid out of the county stock, by such city or county.

County to pay costs on unfounded charges.

[See note to chap. 1505.]

SECT. XIV. And whereas, on the removal of prisoners from one county to another, or from any other government into this state, in order to receive their trials for offences with which they are or may



1791.

Expenses of removal for trial from one county to another, &c. how to be paid.

be charged, or for the purpose of safe custody, doubts have arisen by which of the counties, or by whom, the expenses of such removal are to be paid, and it is proper and expedient that an equitable rule should be established by law in such cases : *Be it therefore enacted by the authority aforesaid*, That the expenses of such removal of prisoners from one county to another, for trial as aforesaid, shall be borne and paid by the county, to which he, she or they shall be thus removed for trial : And wherever, by order of the Governor, or one of the Judges of the Supreme Court, any person charged with having committed an offence in one county shall be removed into another county for safe custody, or shall be transported from another state into this state for trial, the expenses of such removals or transportations shall be paid by the state treasurer, on the order of the Governor, and the subsequent expenses shall be at the charge of the county where the fact is supposed to have been committed.

Costs of prosecution on conviction how to be paid;

but limited.

General repealing clause.

SECT. XV. And whereas the act, entitled "An Act to reform the penal laws of this state," hath not made the necessary provision for paying the costs of officers, jurors, or witnesses, on public prosecutions, which had been theretofore paid to them ; and although it is just and reasonable, that in cases of convictions of capital offenders, or where imprisonment at hard labour for a length of time is the punishment for the offence, the public should, in case of the defendant's insolvency, be at the charge of the prosecution, yet unnecessary expenses should be avoided : *Be it therefore enacted by the authority aforesaid*, That in all cases where any person hath been, since the passing of the said recited act, or shall be convicted of any offence or offences, which shall be punishable capitally, or by imprisonment at hard labour, the county where the crime hath been or shall be committed shall pay the costs of prosecution, if the defendant hath not property sufficient to discharge the same : but where the same person hath been or shall be convicted of divers offences at the same term or sessions, the costs of prosecution on one of the indictments only shall be paid out of the county stock.

SECT. XVI. *And be it further enacted by the authority aforesaid*, That this act shall operate as a repeal of any former acts of Assembly, and of all other parts of the criminal law of this state, and forms of proceedings relative thereto, so far as this act hath altered or supplied the same. *Provided always nevertheless*, That all prosecutions, convictions, attainders, and outlawries, or other proceedings, heretofore duly and legally had or made, or which may be had or made under the former laws of this state, during the existence thereof, shall have the like force and effect, as if this act had not been made ; and that in all cases, where by this act any new punishment is declared for any offence, that the said former acts of Assembly, and all other parts of the criminal law shall remain and continue in force, with respect to all such offences as have been committed before the passing of this act.

Inspectors &c. of Philadelphia prison how appointed.  
[See act of 23d Feb'y, 1809, to which the

SECT. XVII. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Mayor and two Aldermen of the city of Philadelphia, and two Justices of the peace for the county of Philadelphia, to appoint Inspectors of the prison of the city and county of Philadelphia ; and also to appoint a keeper of the

on, according to the evidence, unless dissolved in manner herein said prison, in pursuance of the act for that purpose made and provided, on the first Mondays of May and November in every year, and on any other days, when vacancies shall happen in the said office by death, resignation, or otherwise. 1791.

mode of  
appointment  
is altered.]

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That the prison inspectors, appointed in pursuance of the act in such case provided, and of this act, shall have power, with the approbation of the Mayor, two Aldermen of the said city, and two of the Judges of the Supreme Court, or two of the Judges of the Court of Common Pleas of Philadelphia county, to make rules and regulations for the government of all convicts confined in the said prison, not inconsistent with the laws and constitution of this commonwealth, and to prescribe their allowance of provisions, ascertaining the quantity by weight and measure, and not by piece. Their power and duty. [See the rules and regulations at the end of vol. 2.]

Passed 23d September, 1791.—Recorded in Law Book No. IV. page 216.

## CHAPTER MDLXXIV.


*An ACT to regulate the trials of contested elections.*

WHEREAS the constitution of this commonwealth requires, that contested elections of members of the Senate and House of Representatives shall be determined by a committee of each house, respectively, selected, formed and regulated, in such manner as shall be directed by law; and that contested elections of a person to serve as governor shall be determined by a committee, to be selected from both houses of the legislature, also to be formed and regulated in such manner as shall be directed by law.

SECT. I. *Be it therefore enacted, by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That whenever a petition, signed by at least fifty of the qualified electors of this state, shall be addressed to the legislature, complaining of an undue election, or a false return of a person elected governor, such petition shall be delivered to the Speaker of the Senate, who shall immediately give information thereof to both houses, the members whereof, on a day and hour to be agreed upon between them, not exceeding ten days from the delivery of such petition, shall convene in a conference room, where the petition shall be read by the Speaker of the Senate; the names of the members of each house shall then be called over by their respective clerks, and a quorum of both houses being present, the names of all the members of the Senate present shall be written on distinct pieces of paper, as nearly similar as may be, each of which shall be rolled up and put into a box by the clerk of the House of Representatives, and placed on the Speaker's table, and after being shaken and intermixed, the Clerk of the Senate shall draw them out one by one, and put them alternately into three boxes, also placed on the Speaker's table; and when the whole numbers shall be so distributed, the Clerk of the House of Representatives shall shake and intermix the pa-

Proceedings  
to ballot for  
a committee  
to try the  
contested  
election of  
a governor.



1791.  pers in each box, and shall draw alternately from each box the papers so rolled up, and shall deliver them singly to the Speaker of the House of Representatives, who shall open and read them aloud, and then deliver them singly to the Speaker of the Senate, who shall place them open on the table, and a member of each house shall take down in writing the name so called, and shall each of them repeat aloud the name they have so written, until the number of twelve names be drawn out; the names of all the members of the House of Representatives present shall then be written on distinct pieces of paper, as nearly similar as may be, each of which shall be rolled up and put into a box, by the Clerk of the Senate, and placed on the Speaker's table, and after being shaken and intermixed, the Clerk of the House of Representatives shall draw them out one by one, and put them alternately into three boxes, also placed on the table; and when the whole number shall be so distributed, the Clerk of the Senate shall shake and intermix the papers in each box, and shall then draw alternately from each box the papers so rolled up, and shall deliver them singly to the Speaker of the Senate, who shall open them, and read them aloud, and then deliver them singly to the Speaker of the House of Representatives, who shall place them open on the table and a member of each house shall take down in writing the name so called, and shall each of them repeat aloud the name they have so written, until the number of twenty-five members of the House of Representatives be completed; but any objection made by either of the parties to any of the members so elected by lot shall be sufficient to discharge such member from the service, and another name shall be drawn in lieu thereof, and so shall continue, until the whole number of twelve members of the Senate and twenty-five members of the House of Representatives shall be completed; and in all cases, the members drawn in lieu of those objected to shall be in like manner liable to be set aside, and others drawn in their places. *Provided, That if so many shall be set aside upon account of objections to them, that there shall not appear more than a sufficient number remaining to perform the service required by this act, then no further objections shall be admitted.*

Objections  
allowed  
against the  
names  
drawn.

Exception.

The mode of  
striking the  
committee  
prescribed.

Their num-  
ber and qual-  
ification.

SECT. II. *Be it enacted by the authority aforesaid, That when the names of twelve members of the Senate, and twenty-five members of the House of Representatives shall have been so drawn, a list of the members so appointed shall be given to each of the parties, who shall immediately withdraw to some adjoining room, with a clerk or member appointed by the joint vote of the members present, where they shall proceed alternately to strike off the names upon the said list, until the number shall be reduced to four members of the Senate, and nine members of the House of Representatives, and, within one hour from the time of so withdrawing, shall deliver to the speaker of the Senate, the names of the said four members of the Senate, and nine members of the House of Representatives remaining on the list, who shall then respectively take an oath or affirmation, to be administered by the speaker of the Senate, to try the matter of the petition, and to give a true judgment thereafter prescribed; the time and place for the meeting of the select*



committee, so appointed, shall then be directed by the joint vote of the members of both houses, which time shall be within twenty-four hours of the appointment: *Provided always*, That on the parties withdrawing to form such select committee, the members of both houses shall continue convened, and the members, whose names have been drawn out of the boxes, shall not depart the conference-room without leave, until the time and place for the meeting of the select committee shall be fixed: *And provided also*, That previous to the parties withdrawing to form the select committee, the clerk of the House of Representatives shall draw out, one by one, the names of the remaining members of the Senate, and deliver them singly to the Speaker of the House of Representatives, who shall unfold, and read them aloud, and the clerk of the Senate shall in like manner draw out the names of the remaining members of the House of Representatives, and deliver them singly to the Speaker of the Senate, who shall unfold them, and read them aloud; and if any unfairness or mistake shall be discovered therein, then the whole proceedings shall be set aside, and the business shall be renewed, in manner and form as is herein before directed.

1791.

The time of meeting of the select committee how directed. The houses to be in sessions, &c.

The names undrawn to be called, &c.

SECT. III. *Be it enacted by the authority aforesaid*, That the select committee, so chosen, shall on their first meeting elect a chairman from amongst themselves; and if in such election there shall be an equal number of voices, the member whose name was first drawn shall have a casting vote: so likewise in case there should be occasion to elect a new chairman, on the death or unavoidable absence of the chairman first appointed; the committee shall sit from day to day, Sundays excepted, at such hours as shall not interfere with their attendance in the legislature, but unless eleven of their number be present, the committee, after waiting one hour, shall adjourn to the next day; and if the number of the committee shall unavoidably be reduced to less than eleven members, and shall so continue for the space of three days, Sundays excepted, the committee shall be dissolved, and another shall be chosen in manner aforesaid.

The select committee to elect a chairman, &c.

How dissolved, &c.

SECT. IV. *Be it enacted by the authority aforesaid*, That the select committee shall have power to send for persons, papers, and records, to examine all witnesses who may come before them, upon oath or affirmation, which the chairman or clerk of the committee may administer in their presence; and any person guilty of taking a false oath or affirmation before them, or of procuring another so to do, shall, upon conviction, be liable to the same punishment, as persons convicted of perjury are liable to by the laws of this commonwealth.

Powers of committee.

SECT. V. *Be it enacted by the authority aforesaid*, That all determinations of the said committee shall be by a majority of votes; as soon as such committee shall have determined whether the election or return referred to them is legal and valid, or the contrary, the chairman shall make two reports thereof in writing, one of which shall be delivered to the Speaker of the Senate, and the other to the Speaker of the House of Representatives, which reports shall be entered on the journals of the respective houses, and shall be final and conclusive; and in case such report shall invalidate the election, a new

The committee to decide by a majority, &c.

The report to be entered

1791.

on the journals, &c.

election shall take place on the second Tuesday of October ensuing, agreeably to the constitution, of which the Speaker of the Senate, and the Speaker of the House of Representatives shall immediately give notice, by their joint writ, directed to the Sheriffs of the respective counties; and the Sheriffs of the respective counties shall give the usual notice.

Members - how excused.

SECT. VI. *Be it enacted by the authority aforesaid,* That if any person, so appointed a member of a select committee, shall, at the time of such appointment, swear or affirm, that he cannot, without great inconvenience, serve on such committee, he shall be excused, and another shall be substituted in his place; but if any members of such committee shall neglect to attend upon the committee, their names shall be reported in writing to the house of which they are members, and, unless satisfactory reasons are given for their non-attendance, they shall be liable to be reprimanded by the Speaker; the doors of the room in which the committee shall meet shall remain open during the examination of witnesses, but may be shut at any other time; when the two houses shall stand adjourned for more than three days, the committee may adjourn to the same time.

The doors of the committee room shall be open &c.

Proceedings to try a contested election of a senator.

SECT. VII. *Be it enacted by the authority aforesaid,* That when a petition, signed by at least twenty of the qualified electors of the proper district, shall be presented to the Senate, complaining of an undue election or false return of a senator or senators, the like proceeding shall be thereon had in the Senate, in selecting a committee by lot, and the like powers and authorities shall be vested in the Senate in relation to such committee; and such committee shall have the like powers and authorities, and be subject to the like rules and regulations, as are herein before directed in cases of contested elections of a governor, except that the several duties which are herein before directed to be performed by the Speaker of the Senate, and the Speaker of the House of Representatives, shall be performed by the Speaker of the Senate, and the several duties which are herein before directed to be performed by the clerk of the Senate, and the clerk of the House of Representatives, shall be performed by the clerk of the Senate; and that the number of members of the Senate first taken out by lot shall be thirteen, and that such select committee shall consist of seven members, and shall not be dissolved, unless reduced to less than five members.

Proceedings on petitions complaining of undue election of representatives.

SECT. VIII. *Be it enacted by the authority aforesaid,* That when a petition, signed by at least twenty of the qualified electors of the proper city or county, shall be presented to the House of Representatives, complaining of an undue election or a false return of a member or members of the House of Representatives, the like proceedings shall be thereupon had in the House of Representatives, in selecting a committee by lot, and the like powers and authorities shall be vested in the House of Representatives, with relation to such committee: and such committee shall have the like powers and authorities, and be subject to the like rules and regulations, as is herein before directed in cases of contested elections of a governor, except that the several duties which are herein before directed to be performed in such cases by the Speaker of the Senate, and the Speaker of the House of Representatives, shall be performed by



1791.

the Speaker of the House of Representatives, and the several duties which are herein before directed to be performed in such cases by the clerk of the Senate, and the clerk of the House of Representatives, shall be performed by the clerk of the House of Representatives, and that the number of members of the House of Representatives first taken out by lot shall be seventeen, and that the select committee shall consist of nine members, and shall not be dissolved, unless reduced to less than seven members.

SECT. IX. *Be it enacted by the authority aforesaid*, That no petition, complaining of an undue election or false return of any person elected Governor, Senator, or member of the House of Representatives, shall be received, unless the same shall be presented within twenty days after the meeting of the Legislature; and all such petitions, when received, shall be read and laid upon the table, without any question being thereupon taken, until the two houses jointly, or each house respectively, as the case may require, shall proceed upon it according to the directions of this act.

Time of  
petitioning  
in contested  
elections,  
limited.

SECT. X. Whereas inconveniences may arise by the neglect of transmitting the returns of the election of governor, for one or more counties, until after the publication of such election by the Legislature: Therefore, *Be it enacted by the authority aforesaid*, That in all cases where such neglect of duty shall happen, and the returns of election aforesaid are not delivered to the Speaker of the Senate before the election of Governor shall be published, every such return, so neglected to be delivered, shall be considered as void, unless the election aforesaid be contested, in which case such return shall be allowed to be of the same validity, and liable to the same exceptions, as other returns, duly delivered. (a)

Returns of  
election  
when void.

Passed 29th September, 1791.—Recorded in Law Book No. IV. page 227.

(a) By a supplement to this act, (chap. 1645,) passed 6th of March, 1793, sect. 1, in all contested elections of a governor, or member of either branch of the legislature, the person returned, and the candidate next highest in votes, shall be the parties in the trial thereof; and in case of the absence or neglect of such person next highest in votes, any one of the petitioners, duly qualified, who have signed the petition against such election, taking precedence according to the order in which they have signed the same, shall be considered as one of the parties.

Sect. 2. If either, or both of the parties shall neglect to attend, for the purpose of objecting to and striking from the names drawn in pursuance of the provisions of the first and second sections of the act in the text, the members of the Senate and House of Representatives jointly, or the members of either House separately, as the case may require, shall appoint one of their own number, in the place of either, or both of the parties so neglecting to attend, which member or members, so as

aforesaid appointed, shall have full power and authority, to do and perform every act and thing touching the same, in as valid and effectual a manner, as if the party, or parties, were personally present.

Sect. 3. No order shall be taken on any petition, unless the same is accompanied by a certificate from the treasurer, prothonotary, or any of the commissioners of the county or counties, in which the petitioners reside, setting forth that the said petitioners, or as many of them as are required by the act in the text, were, at the time of signing such petition, duly qualified electors.

Sect. 4. Provides for the payment of the attendance and travelling expenses of witnesses, to be paid by the proper county.

Sect. 5. The committees appointed in pursuance of the provisions of the act in the text, shall in all cases have power not only to determine on the validity of contested elections, but also to decide, which of the candidates has the greatest number of legal votes,

1791. which candidate shall thereupon be entitled to the seat or office, which he had been voted for at such election.

The 19th section of the general election law, passed 15th of February, 1799, (chap. 2009,) enacted that the

governor should judge of the election of sheriffs and coloners, and prescribed his powers therein. But this section was repealed by an act passed 23d of March, 1807, (chap. 2780.)

## CHAPTER MDLXXIX.

*An ACT erecting new election districts in the counties of Westmoreland, Allegheny, Berks and Northumberland, and altering the place of holding the election in the second district in Cumberland county.*

**WHEREAS** the freemen of Turbutt, Derry and Washington townships, and that part of Munsey township which is eastward of Wallace's run, in the county of Northumberland, and the freemen of the upper part of the fourth election district in the county of Northumberland aforesaid, have, by their petitions, set forth, that they labour under very great inconveniences on account of the distance many of them live from the place of holding the annual election, and by means of the troublesome streams of water which they have been obliged to pass over, in their way to the said election: For remedy whereof,

**SECT. I.** *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted, by the authority of the same, That* the townships of Turbutt, Derry and Washington, and that part of Munsey which lies eastward of Wallace's run, in the county of Northumberland aforesaid, shall, from and after the passing of this act, be struck off and separated from the second and fourth election districts in the said county, and be established and erected into a separate district, called the eighth election district in said county; and that the freemen of the said eighth district, hereby erected, shall hold their elections at the house now occupied by David Shannon, in Turbutt township aforesaid; any thing in any former law or laws to the contrary notwithstanding.

**SECT. II.** *And be it further enacted by the authority aforesaid, That* all the freemen living within the following bounds, viz. beginning at a point on the Allegheny mountain, north from the head of Manning's run; thence down Manning's run; thence, by a south line to the head of the said run, to the west branch of the river Susquehanna; thence across the same by a south line, until said line intersects the line of the fifth election district in the county aforesaid; thence by the line of the said fifth district, to the line of Mifflin county, to include all those parts that are west and north of the said lines in the county of Northumberland aforesaid; shall be struck off and separated from the fourth election district, and established and erected into a separate district, called the ninth election district in the county of Northumberland aforesaid; and that the freemen of the said ninth district, hereby erected, shall hold their annual election at the house now occupied by Hugh Andrew, in

The eighth election district in Northumberland county erected.

The ninth election district in Northumberland county erected.

(Now in Lycoming county.)



Pine-creek township, in the county of Northumberland; any thing in a former law or laws to the contrary notwithstanding. 1791.

SECT. III. And whereas the freemen of Teboyne township, in the county of Cumberland, have, by their petition, set forth, that by a law passed the thirteenth day of September, one thousand seven hundred and eighty-five, which erected the second election district in the county aforesaid, composed of the townships of Rye, Teboyne and Tyrone, and directed them to hold their annual election at the house now occupied by William M'Clure, Esq; in Tyrone township; and that by a subsequent act of the legislature, the townships of Rye and Greenwood, in the county aforesaid, were erected into a separate election district, which renders the present place of holding their elections inconvenient: For remedy whereof, *Be it enacted by the authority aforesaid*, That the freemen of Teboyne and Tyrone townships shall, from and after the enacting hereof, meet and hold their annual election at the house now occupied by George Robinson, in Tyrone township, in the county of Cumberland; any thing in any former law or laws to the contrary notwithstanding.

The place of holding elections, &c. altered.

SECT. IV. And whereas the freemen of Washington and Franklin townships, and the freemen of that part of the first and second election districts which lie north of the Laurel-hill, in the county of Westmoreland, have, by their petitions, set forth, that they are situated at too great a distance from the place where by law they are obliged to hold their annual election: For remedy whereof, *Be it enacted by the authority aforesaid*, That, from and after the enacting hereof, the townships of Washington and Franklin, in the county of Westmoreland aforesaid, shall be established and erected into a separate election district; and the freemen of the said district, hereby erected, shall, from and after the enacting hereof, meet and hold their annual election at the house now occupied by David Findley, on the division line of said townships; any thing in any former law or laws to the contrary notwithstanding.

An election district erected in Westmoreland county.

SECT. V. *And be it further enacted by the authority aforesaid*, That the freemen living within the following bounds, viz. beginning at the Laurel-hill, and by the creek commonly known by the name of Tub-mill creek, down to where it empties into the Conemaugh river, and down said river to the Chesnut ridge, and by said ridge extending out, agreeable to the division of Wheatfield and Armstrong townships, shall be struck off and separated from the first and second election districts in Westmoreland county, and established and erected into a separate election district in the said county; and the freemen of the said district, hereby erected, shall, from and after the enacting hereof, hold their annual election at the house now occupied by Robert Rodgers, in Wheatfield township; any thing in any former law or laws to the contrary notwithstanding.

Another election district erected in the same county.

SECT. VI. And whereas the freemen of a part of Moon township, in the county of Allegheny, have, by their petition, represented, that it is inconvenient for them to attend their general election at the town of Pittsburgh; For remedy whereof, *Be it enacted by the authority aforesaid*, That the freemen within that part of Moon township, beginning at the mouth of Flaugherty's run; thence up said run to Broadhead's road; thence in a straight line to the house

The fourth election district in Allegheny county erected.

1791. of John Short, including the same, on the great road leading from Pittsburgh to Montgomery's mill, on Raccoon creek; thence along said road to that point thereof where the county line crosses the same; thence along the said county line to the Ohio river; thence up the said river to the place of beginning; shall be struck off and separated from the first election district, and erected and established into a new election district, called the fourth election district in Allegheny county; and the freemen of the said district, hereby erected, shall hold their annual election at the house now occupied by Colonel Samuel Wilson; any thing in any law or laws to the contrary notwithstanding.

An election district erected in Berks county,

SECT. VII. And whereas the freemen of Union, Caernarvon and Robeson townships, in the county of Berks, have, by their petition, set forth, that it is inconvenient for them to attend the annual election at the borough of Reading: For remedy whereof, *Be it enacted by the authority aforesaid*, That the freemen of Union, Caernarvon and Robeson townships, in the county of Berks, shall, from and after the enacting hereof, meet and hold their annual election at the house now occupied by Isaac Bonsall, in Robeson township aforesaid; any thing in any former law or laws to the contrary notwithstanding.

The privileges of these districts the same as others.

SECT. VIII. *And be it further enacted by the authority aforesaid*, That all the districts hereby erected or altered shall be entitled to like privileges, as the constitution and laws of this commonwealth grant to the other districts within this commonwealth, any thing in the election laws of this state to the contrary in anywise notwithstanding.

Passed 30th September, 1791.—Recorded in Law Book No. IV. page 247.

## CHAPTER MDLXXXIV.

*An ACT to regulate the inspection of flour in certain western counties of the State.*

WHEREAS the law heretofore authorizing the appointment of Inspectors of flour in certain western counties of this commonwealth, which was passed on the nineteenth day of March, in the year one thousand seven hundred and eighty-three, has ceased to operate, but it is expedient and necessary that regulations should be permanently established, to preserve the credit of so valuable an article of trade: Therefore,

An inspector of flour to be appointed in certain western counties.

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That the governor shall forthwith appoint and commission a person of good character and competent abilities, to be the Inspector of flour in and for the counties of Westmoreland, Washington, Allegheny and Fayette, who shall enter upon the duties of his office from and after the first day of December next.



SECT. II. *And be it further enacted by the authority aforesaid,* 1791.

That the said Inspector, or some or one of his deputies, shall examine and inspect all the flour which shall be manufactured for exportation in any of the counties aforesaid, before the same shall be exported therefrom, or conveyed out of the state, and in so doing, he and they, and every of them, within their respective districts, shall perform the like duties, shall have and exercise the like powers and authorities, shall conform to the like rules and regulations; except as to the stamp on the plugs, which shall be marked with the letters W. P. and shall be subject to the like fines and penalties, as are prescribed with regard to the Inspector of the port of Philadelphia, and his deputies, in and by an act, entitled "An Act to prevent the exportation of bread and flour not merchantable, and for repealing, at a certain time, all the laws heretofore made for that purpose."\*

Duties of the inspector and his deputies.

\* Vol. 1, pa. 523.

SECT. III. *And be it further enacted by the authority aforesaid,* That if any person or persons shall export or convey any flour out of the state, from the said counties, or any of them, by means of the Ohio river, or of any waters communicating therewith, before the same shall be duly examined and inspected as aforesaid, he or they shall forfeit and pay, for every cask or barrel of flour so exported or conveyed, the sum of five shillings, to be recovered in the same manner that debts under ten pounds may by law be recovered; one half thereof to the use of the person or persons who shall give information upon the subject to the said Inspector, or any of his deputies, and the other half to the use of the said Inspector.

Penalty on exporting flour before inspection.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the said Inspector, or the deputies by him appointed, within their respective districts, shall be allowed and receive the sum of three pence for each cask or barrel of flour, which he or they shall actually examine and inspect, at any harbour, mill, or landing place, within the said counties: and all millers, or other persons engaged in the exportation of flour as aforesaid, are hereby required and enjoined to conform to the like regulations, and are declared to be subject to the like fines, forfeitures and penalties, as are prescribed in and by the said recited act, in the case of exporters of flour from the said port of Philadelphia, excepting only the rules as are prescribed, and the penalties which are to be incurred, in virtue of the ninth, tenth and thirteenth sections of an act, entitled "An Act to prevent the exportation of bread and flour not merchantable, and for repealing, at a certain time, all the laws heretofore made for that purpose."

Compensation of the inspector, &c.

To what penalties exporters are liable.

Passed 30th September, 1791.—Recorded in Law Book No. IV. page 258.

## CHAPTER MDLXXXVII.

*An ACT to unite the university of the state of Pennsylvania, and the college, academy and charitable school of Philadelphia, in the commonwealth of Pennsylvania.*

WHEREAS the trustees of the university of the state of Pennsylvania, and the trustees of the college, academy and charita-

1791. ble school of Philadelphia, in the commonwealth of Pennsylvania, by their several petitions, have set forth, that they have agreed to certain terms of union of the said two institutions, which are as follow:

*First.* That the name of the institution be, "The University of Pennsylvania," and that it be stationed in the city of Philadelphia.

*Second.* That each of the two boards shall elect, from among themselves, twelve persons, who, with the governor for the time being, shall constitute the board of trustees of the university of Pennsylvania; and that the governor shall be president.

*Third.* That the professors which shall be deemed necessary to constitute the faculty in the arts and medicine respectively, shall be taken from each institution equally, and in case of an odd number, such one to be taken from either by the choice of the trustees; and that the provost and vice-provost, or the principal officer or officers of the faculty, by whatever name or names they may be called, shall be chosen from among the professors so appointed.

*Fourth.* That charity schools shall be supported, one for boys, and the other for girls.

*Fifth.* That for the future every vacancy in the board, except that of Governor, shall be filled up by election by ballot, by a majority of the members present at any meeting of the new board, the members present to be at least thirteen; that due and timely notice of such election be at all times given, and that no person shall be elected to fill up such vacancy at the same meeting in which he shall be nominated.

*Sixth.* That the funds and property of the institutions shall be united, and vested in the new trustees.

*Seventh.* That the professors and officers composing the faculty shall be elected by a majority of the members present at any meeting of the new board, the number present to be at least thirteen: that due and timely notice of such election shall at all times be given, and that no person or persons shall at any time be elected such professor or officer at the same meeting in which he shall be nominated.

*Eighth.* That no professor or officer of the faculty shall be removed by a less number than two thirds of the members present at any meeting of the new board, the members present to be at least thirteen; and that due and timely notice of such intended removal shall at all times be given, and that no person or persons shall at any time be removed at the same meeting in which such removal shall be proposed.

*Ninth.* That the board of trustees shall annually lay before such persons, as the Legislature shall in the incorporating act direct, a statement of the funds of the institution.

And the said trustees by their several petitions have prayed, that a law may be passed to enable them to carry the said terms of union into effect, and to incorporate them in one body, according to the purpose and intention expressed in the said terms of union.

SECT. I. *Be it therefore enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,*



That in pursuance of the second article of the said terms of union, 1791.  
 the trustees of the university shall elect twelve persons from among themselves to be trustees of the said university after the union, and shall certify the names of the said twelve persons, so elected, to the Governor of this commonwealth, on or before the first day of December next; and that the trustees of the said college, academy and charitable school shall elect twelve persons from among themselves, to be trustees of the said university after the union, and shall certify the names of the said twelve persons, so elected, to the Governor of this commonwealth, on or before the first day of December next.

Twelve trustees of the new board to be chosen, &c. and returned to the Governor.

SECT. II. *And be it further enacted by the authority aforesaid,* That from and after such certificates of the elections being so made to the Governor, as aforesaid, the said twenty-four persons so elected and certified, together with the Governor for the time being, who shall always be president, and their successors, duly elected and appointed, as herein and by the said terms of union is directed, be, and they are hereby made and constituted a corporation and body politic, in law and in fact, to have continuance for ever by the aforesaid name, style and title, of "The Trustees of the University of Pennsylvania;" and that the said university shall at all times be stationed in the city of Philadelphia.

Corporation how constituted and styled.

To be stationed in Philadelphia.

SECT. III. *And be it further enacted by the authority aforesaid,* That the said trustees, and their successors, shall be able and capable in law to sue and be sued, by the name, style and title aforesaid; and to have and to make one public and common seal, and also one private seal to use in their affairs, and the same, or either of them, to break and alter at their pleasure; and to make rules and statutes not repugnant to the laws and constitution of this state, or of the United States of America, and to do every thing needful and necessary to the establishment of the said university, and for their own good government, and the good government and education of the youth belonging to the same, and to constitute a faculty, or learned body, to consist of such head or heads, and such a number of professors in the arts and sciences, and in law, medicine and divinity, as they shall judge necessary and proper, consistent with the aforesaid articles of union.

General powers of the corporation.

SECT. IV. *And be it further enacted by the authority aforesaid,* That all and every the estates, real, personal and mixed, monies, effects, debts, claims and demands, either in law or equity, which at present are vested in or belonging to each of the two boards of trustees of the said university, and of the said college, academy and charitable school, who are hereby united and incorporated together, shall be, and they hereby are, transferred to and vested in the said trustees herein directed to be appointed and incorporated, and their successors, with full power to take, receive, hold, use, recover and enjoy the same, according to the purpose, true intent and meaning of this act, and that in like manner all claims, rights and demands, of any person or persons, bodies politic and corporate, against either of the said two boards, shall be and remain valid and effectual against the trustees herein directed to be appointed and

The estates of the former institutions vested in new trustees.

1791. incorporated, and their successors, with power to demand, receive and recover the same, as if they had been originally contracted by, or due, or recoverable from the said trustees herein directed to be appointed and incorporated.

An annual statement of the funds to be laid before the legislature.

SECT. v. *And be it further enacted by the authority aforesaid,* That, pursuant to the ninth article of the terms of union, the trustees shall annually lay a statement of the funds of the institution before the Legislature of the commonwealth.

Passed 30th September, 1791.—Recorded in Law Book No. IV. page 263.

## CHAPTER MDLXXXVIII.

*An ACT for vesting a yearly rent-charge of five pounds, issuing out of a messuage and lot of ground situate on the north side of High-street, in the city of Philadelphia, in a trustee, to collect the arrearages of rent due, and to grow due, and to apply the monies arising therefrom to the uses therein mentioned.*

Passed 30th September, 1791.—Private Act.—Recorded in Law Book No. IV. page 266. (b)

(b) The monies collected to be applied to the use of the heirs of *Joseph Richardson*.

## CHAPTER MDLXXXIX.

*An ACT to empower the Governor to lay out a town and out lots at the mouth of Beaver-creek, for the uses therein mentioned.*

WHEREAS, by the act of Assembly passed in the year one thousand seven hundred and eighty-three, for the purpose of redeeming the certificates of the depreciation given to the officers and soldiers of the Pennsylvania line, and for other purposes therein mentioned, a certain tract of land was reserved to the use of the state, as in the said act is expressed, containing three thousand acres, situate on the Ohio, and on both sides of the mouth of Beaver-creek, including Fort M<sup>c</sup>Intosh: And whereas it appears that the sale of one third part of said tract will be an encouragement, convenience, and security, to those who become the first settlers:

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the Governor is hereby empowered to direct the Surveyor-General to lay out, or cause to be laid out, and surveyed, two hundred acres of land, in town lots, on or near the ground where the old French town stood, [in such manner as commissioners appointed by the Governor shall direct;] and also one thousand acres adjoining on the upper side thereof, to be laid out and surveyed, as nearly square as may be, in out lots not less than five acres, nor more than

The Governor to direct a town to be laid out on Beaver creek: [See chap. 1644, post.]

and reserve lots for public use.



ten acres each: *Provided always*, That the Governor shall reserve out of the lots of the said town, so much land as he shall deem necessary for public uses. 1791.

SECT. II. *And be it further enacted by the authority aforesaid*, That upon the return of such surveys, which are hereby directed to be made to the Surveyor-General, the Governor shall be thereupon authorized to sell the one equal half of the town lots, and the whole of the out lots, in such manner as he shall think most to the advantage of the state, and make conveyances of the same; excepting always such as shall be reserved for public uses.

SECT. III. *And be it further enacted by the authority aforesaid*, That the streets, lanes and alleys of the said town and out lots shall be common highways for ever, and that the sale of the said lots and out lots herein mentioned shall be made, either in whole or part, at the town of Pittsburgh, Washington, or the city of Philadelphia, at the discretion of the Governor; and previous to the sale or sales in either place, notice shall be given in one or more of the newspapers of the said city, and also in the Pittsburgh Gazette, of such sale, at least ten weeks previous to such sale or sales.

SECT. IV. *And be it enacted by the authority aforesaid*, That the Governor is hereby empowered to draw an order on the State Treasurer, to defray the costs and charges of surveying, advertising and selling the lands aforesaid, to be paid by the treasurer out of the public monies arising from the sales of the aforementioned lots. (c)

Passed 28th September, 1791.—Recorded in Law Book No. IV. page 268.

(c) By act of 6th of March, 1793, (chap. 1644,) Daniel Leet's survey of the town and out lots established.

By the 17th section of the act of 12th March, 1800, (chap. 2119, by which the county of Beaver is erected,) the quantity of 500 acres of land, to be surveyed out of the reserved tract, at the mouth of Beaver creek, is granted to the trustees of the county, for the use of an academy to be thereafter established in the town of Beaver.

By an act passed 29th March, 1802, (chap. 2260,) the town of Beaver is incorporated by the name of, The Borough of Beaver: by the 7th section of which act fifteen acres of the said reserved tract, including several springs and streams of water, are granted to the inhabitants of the town of Beaver forever, &c. and the said lands are not to be sold by the corporation.

The limits of the borough are altered and contracted, by act of 14th Jan'y, 1804, (chap. 2399.)

Further altered and contracted by act of 27th Jan'y, 1806, (chap. 2622.)

By an act passed 21st Feb'y, 1803, (chap. 2322,) additional trustees are appointed, and authority is given to lease the academy lands for any term not exceeding 15 years.—The trustees

are also authorized to erect a suitable building on one of the public lots in the town of Beaver for an academy, and to receive grants of land, &c. for the use thereof.—The trustees to give bond and surety, and to exhibit their accounts annually to the grand jury of the county for their inspection and approbation.

Commissioners are authorized to sell at public sale one fourth of the town lots in Beaver, the property of the commonwealth, and one fourth of the reserved tract in lots of not less than five nor more than ten acres.—Purchasers to build on the town lots within a limited time.—The Surveyor-General to furnish the said commissioners with a draft of said lots.—The commissioners to transmit a statement of the sales, and the purchase money to the Receiver-General; and to give bond and surety, &c.

By act of 21st March, 1806, the trustees of Beaver town are authorized to sell by public auction, one half of the academy land, and to reserve the other half, including the ferry over the Ohio, for the use of the institution, and appropriate part of the proceeds to the erection of a building.—To give additional security, and exhibit their ac-

On the return of the surveys, sales to be made of the lots.

Sales of the lots may be made, previous notice being given.

The costs of the surveys, &c. how to be paid,

1791. counts annually to the county commissioners.

The commissioners for the sale of the town lots, are authorized to sue for the money in the name of the commonwealth. Act of 12th of Jan'y, 1807, (chap. 2727.)

By act of 10th Feb'y, 1807, (chap. 2741,) seven hundred dollars were

granted for the purpose of procuring water in the borough of Beaver.

Supplement to the act incorporating the borough of Beaver, passed 21st of Feb'y, 1810.

Supplement to the act directing the sales of certain town lots in the town of Beaver, and other land adjacent thereto, passed 20th March, 1810.

## CHAPTER MDXC.

(Ante. pa. 28.)

*A SUPPLEMENT to the act, entitled "An act to establish the Judicial Courts of this commonwealth, in conformity to the alterations and amendments in the constitution."*

SECT. I. [TIME of meeting of the High Court of Errors and Appeals, obsolete.]

Appeals allowed from the register of wills within two years.

Proviso. [See vol. 1, page 33, and the notes thereto.]

SECT. II. *And be it further enacted by the authority aforesaid,* That from all acts and decisions of the several registers for the probate of wills and granting letters of administration, appeals shall lie to the respective Registers' Courts, provided such appeals be made within the term of two years: *Provided nevertheless,* That if any person or persons, who is, are, or shall be entitled to such appeal, shall, at the time when entitled thereto, be within the age of twenty-one years, covert, *non compos*, or *non compos mentis*, in prison, or out of the limits of the United States of America, then such person or persons, his, her or their heirs, executors or administrators, (notwithstanding the said two years be expired) shall and may enter his, her or their appeal from the judgment of the said register, so as the same be done within five years after his, her or their full age, discovery, coming to sound mind, enlargement out of prison, or return into some one of the United States, but not afterwards, nor otherwise.

SECT. III. [Writs of Error to High Courts of Errors and Appeals, to retrospect, &c. A president to be appointed. Repealed.]

SECT. IV. [Periods of holding the several courts of Common Pleas, and General Quarter Sessions, throughout the state, supplied.]

SECT. V. [Quarter Sessions limited, supplied.]

SECT. VI. [The first courts how held. Obsolete.]

Sheriffs' deeds how acknowledged.

[See notes to chap. 152, vol. 1, page 57.]

SECT. VII. *And be it further enacted,* That where any sheriff hath executed, or hereafter shall execute, by order of the proper court, a deed for any lands, tenements, or hereditaments, sold by his predecessor in office, the execution of such deed may be acknowledged in the county where the lands lie, in the same manner as by the eleventh section of the act, to which this is a supplement, is permitted to be done by the sheriff who sells and conveys such lands, tenements and hereditaments.

Power of prothonotaries enlarged, &c.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the prothonotaries and clerks of the several courts of record in this commonwealth, shall, respectively, have full power and authority to take the acknowledgment of satisfaction of judgments,



or decrees entered on the records of the said courts, in their respective offices, as any judge or justice of the said courts might or could do. 1791.

SECT. IX. *And be it enacted by the authority aforesaid,* That the Mayor and Recorder of the city of Philadelphia, the Master of the rolls, and the Justices of the peace of this commonwealth, shall have power to receive the proof or acknowledgment of all instruments of writing, in the same manner as the justices of the peace might or could have done under the act, entitled "An Act for acknowledging and recording of deeds," passed the twenty-eighth day of May, one thousand seven hundred and fifteen, or as the justices of the Common Pleas might or could have done by one other act, entitled "A Supplement to the act, entitled 'An Act for acknowledging and recording of deeds,' passed the eighteenth day of March, one thousand seven hundred and seventy-five; and that they shall also have power to take the acknowledgment of all deeds of conveyance, whereby the husband and wife do convey the estate or right in or to any lands, tenements or hereditaments, whatsoever, as fully, in like manner, and for the like purposes, as the Justices of the county courts of Common Pleas may or can do by the act, entitled "An Act for the better confirmation of the estates of persons holding or claiming under feme coverts," and for establishing a mode by which husband and wife may hereafter convey their estates, passed the twenty-fourth day of February, one thousand seven hundred and seventy.

Who may  
take ac-  
knowledg-  
ment of  
deeds.

[Vol. 1, page  
94.]

SECT. X. Whereas doubts have arisen, whether sheriffs are obliged to serve declarations in ejectment: *Be it enacted by the authority aforesaid,* That from and after the passing of this act, it shall be the duty of the sheriffs of the several and respective counties of this commonwealth, and they are hereby required, to serve all declarations in ejectment delivered to them, and they shall be allowed the same fees for service and mileage, as in cases of summons against freeholders.

Sheriffs shall  
serve declar-  
ations in  
ejectment.

Passed 30th September, 1791.—Recorded in Law Book No. IV. page 270.

[See the notes to chap. 255, vol. 1, page 131.]

# A C T S

OF THE

## General Assembly of Pennsylvania.

Passed at a Session which commenced 6th December, 1791, and ended 10th April, 1792, being the second Legislature under the existing constitution.

1792.

**THOMAS MIFFLIN**, GOVERNOR.

RICHARD PETERS, Speaker of the Senate until January 31st, 1792.  
SAMUEL POWELL, Speaker of the Senate from January 31st, 1792;  
until the end of the Session.

WILLIAM BINGHAM, Speaker of the House of Representatives.

### CHAPTER MDXCII.

*An ACT to prevent the sale of Lottery Tickets within this commonwealth.*

**WHEREAS**, in and by an act of the General Assembly of the late province, now state of Pennsylvania, passed the seventeenth day of February, one thousand seven hundred and sixty-two, entitled "An Act for the more effectual suppressing and preventing of lotteries,"\* it was enacted, adjudged and declared, that all lotteries, whether public or private, are common and public nuisances, and against the common good and welfare of the people; and divers penalties and forfeitures are imposed upon every person who shall set up or establish any lottery, or sell or expose to sale any ticket or device in such lottery, but the same hath not in latter years been considered to extend to lotteries set up and established without this state; wherefore tickets and chances in lotteries set up and established in other places have been sold in great numbers within this commonwealth, to the impoverishing divers unwary citizens, to the discouraging of industry, and contrary to the spirit of the said act.

**SECT. 1.** *Be it therefore enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* if any person or persons, from and after the passing of this act, shall expose or offer to sale, or sell, barter or exchange by public or private sale or contract, any ticket or tickets, chance or chances, or other evidence of chance or chances, or parts or shares of any ticket, chance, or evidence of chance, in any lottery, or other device in the nature of a lottery, by whatsoever name it may be called,

\*Vol. 1. page 246.

Penalty on selling, or offering for sale, tickets in lotteries not authorized by the laws of the commonwealth,



not authorized by the laws of this commonwealth, being thereof convicted in any court of competent jurisdiction, shall forfeit and pay, for every ticket, chance, or evidence of chance, or part or share thereof, in such lottery, or other device, so offered or sold, bartered or exchanged, the sum of five pounds, one moiety thereof to him, her or them, who shall prosecute the offender or offenders, and the other moiety to the overseers of the poor of the city, town or place, where the offence shall be committed, for the use of the poor thereof, to be recovered as fines, penalties and forfeitures for misdemeanors are recoverable in such courts. 1792.

Appropriation of the penalty.

Passed 20th January, 1792—Recorded in Law Book No. IV. page 279.

## CHAPTER MDXCIV.

*A SUPPLEMENT to the laws made for the relief of insolvent debtors within this commonwealth.*

**WHEREAS**, by the laws of this commonwealth for the relief of insolvent debtors, no provision is made for those who languish in prison, being indebted in more than one hundred pounds in the whole, and not having resided within the state for two years next before their imprisonment: and it frequently happens that strangers are arrested and confined in the gaols of this commonwealth, who are indebted to a greater amount, and are unable to pay the same, and have heretofore surrendered, or are willing to surrender, all their estate and effects, for the use of their creditors; and it is proper that citizens otherwise entitled thereto, but not under execution, should receive the like benefit with other insolvent debtors: (See chap. 315, vol. I, pa. 181, and the notes thereto.)

**SECT. I.** *Be it therefore enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That upon the petition of any person, who hath been or shall be confined in any gaol of this commonwealth for the space of six months, or more, next preceding the time of preferring such petition, and who shall not have resided in this commonwealth for the space of two years before his imprisonment, and who shall not be proceeded against as a bankrupt, to any court having competent jurisdiction, such court shall enquire, by all lawful means, whether the petitioner is so arrested and confined by adversary process, and without any collusion with the plaintiff or plaintiffs, for the purpose of obtaining the benefit of this act; and if it shall appear, to the satisfaction of the said court, that the defendant hath been arrested, and is actually confined, for debts which he is unable to pay, and is held and detained in confinement without his consent or procurement, and against his will, and that he hath in the schedule to be annexed to his petition made a full and perfect discovery and disclosure of all his estate, real and personal, whatsoever and wheresoever, it shall and may be lawful for such court to proceed upon such petition, in the same manner and form, and remand or discharge the said petitioner, upon the same terms and conditions, and the peti-

Insolvent debtors, not having resided two years, &c. how to be discharged.

1792. tioner shall have and be entitled to all and every the same allowances, benefits, exemptions and advantages, upon his being remanded or discharged, as if he had resided within this commonwealth for two years next before his imprisonment, and no other.

Debtors to be discharged, though not under execution.

SECT. II. *And be it further enacted by the authority aforesaid,* That all other persons who now are, or hereafter shall be, in actual confinement, in actions founded upon contract, for the space of thirty days next preceding the time of preferring their petition, shall, if otherwise entitled thereto, receive the benefit of the several laws of this commonwealth made for the relief of insolvent debtors, although not charged in execution.

Passed 16th February, 1792.—Recorded in Law Book No. IV. page 284.

## CHAPTER MDXCV.

*A further SUPPLEMENT to the act to incorporate the city of Philadelphia.*

(Original act, vol. 2, page 462.)

WHEREAS, by the act to incorporate the city of Philadelphia, there is no provision made that the Mayor, Aldermen, and citizens of Philadelphia, may accept the resignation of any of their members, nor are they authorized to cause elections to be held to supply the vacancies which may happen from various causes: In order to prevent the inconveniences which may follow from the want of a due provision in such cases,

The corporation may accept resignations, &c.

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the Mayor, Aldermen and citizens of Philadelphia, in Common Council assembled, shall be, and they are hereby, authorized to receive and accept the resignations of such of their members as shall from time to time make the same; and that from and after their acceptance of such resignations, the persons who shall so resign, and whose resignations shall be so accepted, shall no longer be members of the said corporation.

and supply vacancies by new elections.

SECT. II. *And be it further enacted by the authority aforesaid,* That in order to fill up any vacancy which may happen by death, resignation, or otherwise, it shall and may be lawful for the Mayor, or Recorder, for the time being, whenever he shall be thereto required by a vote of the Mayor, Aldermen, and citizens of Philadelphia, in Common Council assembled, to issue a writ, under his hand, and the seal of the said corporation, directed to the Sheriff of the city and county of Philadelphia, commanding him, on such day and at such place, in the said city, as shall be therein named, to cause an election to be held for so many [Aldermen or] Common Councilmen, [or both,] as may be necessary to supply the said vacancies; and the said Sheriff is hereby enjoined and required to give public notice of the time and place of holding such elections, which shall in all other respects be held, conducted and regulated, agreeably to the directions and provisions contained in the act to incorporate the city of

Manner of proceeding on such elections.



Philadelphia; and the Judges of such elections shall make their returns of the persons who shall be chosen, as [Aldermen or] Common Councilmen, to the [Aldermen or] Common Councilmen for the time being, who shall have the same powers of judging of the election of members of their boards, as the act above referred to gives to them respectively; and when it shall be determined who are the persons duly elected, they shall be qualified according to the directions of the said act, and shall be [Aldermen and] Common Councilmen for the city of Philadelphia, and shall be vested with all the powers, rights and authorities, which by law to them respectively do or shall belong and appertain; and shall continue to be [Aldermen and] Common Councilmen until the next general election under the said law.

1792.

The corporation judges of the election, &c.

Passed 8th March, 1792.—Recorded in Law Book No. IV. page 285-6.

## CHAPTER MDCI.

*An ACT to enable the owners, occupiers and possessors of a certain tract of marsh and meadow land, therein described, situate in the township of Tinicum, and county of Delaware, to keep the banks, dams, sluices and flood-gates, in repair, and to raise a fund to defray the expense thereof.*

Passed 28th March, 1792.—Private Act.—Recorded in Law Book No. IV. page 295.

## CHAPTER MDCII.

*An ACT to authorize the Receiver-General of the Land-Office to carry monies received into that office since a given period, for lands sold, and which have not been nor shall be secured to the purchasers, to the credit of such purchasers, or their assigns, in payments already due, and hereafter to become due, to the commonwealth, for the purchase of any lands within the same.*

**WHEREAS** divers persons who have heretofore purchased lands within this state, and procured warrants for the same, have not been able to find vacant lands within the descriptions contained in such warrants, and no provision is made to allow the monies paid on such warrants to go in payment, or part payment, for other lands, or to afford to such purchasers any other relief:

**SECT. I.** *Be it enacted, by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That where any warrants since the first day of April, in the year one thousand seven hundred and eighty-four, have issued, or hereafter shall issue, from the land-office, and hath not been or cannot be executed in the whole, or in part, by reason that the lands therein described, or some part of them, have been previously appropriated by or for any other person or persons, according to law, or, having*

Unsatisfied warrants for lands, how to be ascertained, &c.

1792.

been executed, do interfere with some prior appropriation as aforesaid, the deputy-surveyor of the district or county shall, at the reasonable request of the party, his heirs, executors, administrators or assigns, certify to the Surveyor-General's Office whether any, and how much, of the lands in the said warrant described, hath not been or cannot be surveyed, for the reasons aforesaid, or, being surveyed, doth interfere with any prior survey or appropriation; and the Surveyor-General, whenever he shall have proof of the same, shall, at the like reasonable request, certify to the Receiver-General the number of acres which shall remain unsatisfied, on any warrant issued after the first day of April, in the year one thousand seven hundred and eighty-four.

Holders of unsatisfied warrants, how to be compensated, &c.

(Repealed, see post. chap. 1648, and notes to chap. 1083, vol. 2, pa. 282-3.)

SECT. II. [*And be it further enacted by the authority aforesaid,* That whenever it shall, by the original receipts, or other legal voucher, or by the entries made in his books, appear to the Receiver-General, that any person or persons have paid into the Land-Office any monies or certificate, for lands granted to them by virtue of warrants issued after the first day of April, in the year one thousand seven hundred and eighty-four, and which they have not obtained, or that they have paid any monies or certificates over and above what was due to the commonwealth for the lands obtained by virtue of such warrants, he shall carry the said money or balance to the credit of such person or persons, his, her or their heirs, executors, administrators or assigns, in payments already due, or hereafter to become due to the commonwealth, for the purchase of any lands within the same, together with lawful interest for the same, from the time of the original payment to the time of such credit being applied for and made.]

Passed 29th March, 1792.—Recorded in Law Book, No. IV. page 304.

## CHAPTER MDCIII.

*An ACT for erecting part of Tioga and Tunkhannock election district, in Luzerne county, into a separate election district.*

Wyalusing election district, in Luzerne county, established.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That that part of the county of Luzerne, beginning at the mouth of Wysock's creek, and extending down and including both sides of the river Susquehanna, to a line drawn east and west across the county, at the mouth of Meshopin creek, shall be a separate election district, called Wyalusing district; and that the freemen of said district shall hold their general elections at the house now occupied by Isaac Hancock, Esquire, in the district and county aforesaid, any thing to the contrary in any law notwithstanding.

Passed 29th March, 1792.—Recorded in Law Book No. IV. page 306.



## CHAPTER MDCIV.

1792.

*An ACT to alter the place of holding the general elections in the second district within the county of Lancaster.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* it shall and may be lawful for the freemen of the second election district of the county of Lancaster, comprehending the townships of Colerain, Little Britain, Drumore, Bart, Martic, and Sadsbury, to hold their annual elections at the house now occupied by William White, known by the name of the Unicorn, in Drumore township aforesaid, any law to the contrary notwithstanding.

Elections in the 2d district of Lancaster county, where to be held.

Passed 29th March, 1792.—Recorded in Law Book No. IV. page 307.

## CHAPTER MDCV.

*An ACT to change the place of holding the annual election in the first election district in Westmoreland county.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the freemen of the first district in Westmoreland county shall meet, and hold their annual election at the house now occupied by William Neal, in Armstrong township, any former law to the contrary in any wise notwithstanding.

The first election district in Westmoreland altered.

Passed 29th March, 1792.—Recorded in Law Book No. IV. page 307.

## CHAPTER MDCVI.

*An ACT ascertaining the boundary line between Huntingdon and Mifflin counties, on the south side of Juniata.*

WHEREAS it hath been represented to the legislature, that some inconveniences have arisen, for want of a boundary line between the counties of Huntingdon and Mifflin, on the south side of the Juniata, being clearly ascertained, and it is just and reasonable that such inconveniences should be remedied:

(Ante. chap. 1533, pa. 19.)

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* a straight line, beginning in the middle of the Water-gap in the Tuscarora mountain, and from thence to the river Juniata, in such direction as to include Joseph Galloway's farm within Huntingdon county, at the mouth of Galloway's run, shall be the boundary line between Huntingdon and Mifflin counties, on the south side of Juniata; and the governor is hereby authorized to appoint one commis-

The boundary described.

A commissioner to run it.

1792. sioner to run and mark the same, as soon as may be after the passing of this act; and the expense of running and marking the said line to be paid equally by the counties of Huntingdon and Mifflin.

The expense how to be paid.

Passed 29th March, 1792.—Recorded in Law Book No. IV. page 307.

## CHAPTER MDCVII.

*An ACT to enable executors and administrators, by leave of court, to convey lands and tenements contracted for with their decedents, and for other purposes therein mentioned.*

WHEREAS it frequently happens that persons, having contracted for the sale of lands and tenements within this commonwealth, depart this life without making provision, by will, for the performance of such contracts, leaving their heirs within age, whereby executors and administrators are prevented from collecting and administering the purchase monies, and the purchasers are for a long time without titles: For remedy whereof,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the publication of this act, any person or persons having any contract in writing, or other written evidence of contract, whereby any deceased person or persons hath or have covenanted, agreed, promised, or bound him, her or themselves, to convey any lands or tenements within this commonwealth, to him, her or them; or to any person or persons whom he, she, or they may represent, which contract had not been complied with in the life-time of the deceased, and no sufficient provision for the performance of such contract or contracts appears to have been made by the decedent in his life-time; such person or persons having such contract, or evidence of contract, whether in his, her, or their own right, or as attorney, agent, trustee or guardian for another or others, shall, before he, she or they bring any action or suit thereon, against the executors or administrators of the deceased, cause and procure the said contract to be proved in the supreme court of this commonwealth, or in the court of common pleas of the county wherein the lands or tenements contracted for shall lie, which probate being adjudged by the said court to be sufficient, the prothonotary of such court shall endorse on or annex the same to the said contract, or to a copy of the evidence thereof, and certify the same under his hand and the seal of the said court, and thereupon the same shall be recorded in the Rolls-Office of this commonwealth, or in the office for recording of deeds of the county wherein the lands and tenements contracted for shall lie; and thereupon it shall and may be lawful for the executors or administrators of the said deceased, or the survivors or the survivor of them, to present a petition to the said courts respectively, praying leave to make and execute a deed, conveying to the purchaser or purchasers, his, her, or their heirs or assigns, the said lands and tenements contracted for, with the appurtenances, for such estate or estates, and in such manner and form

Contract with deceased, how to be proved and carried into effect.



as the said court shall judge to be consistent with the true intent and meaning of the contract; and the said court having considered the prayer of the said petition, and the contract or evidence of contract whereupon it is founded, and having adjudged the same to be obligatory between the parties, shall make an order, authorizing and empowering the said petitioner or petitioners to make and execute such conveyance as aforesaid, and the same being made and executed, and proved or acknowledged according to law, shall be of the same force and effect to pass and vest the estate intended, of and in the lands and tenements aforesaid, with the appurtenances, as if the same had been executed by the decedent or decedents in his, her or their life-time.

SECT. II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the executors or administrators of any such decedent, having a counter part of such contract, or any other contract, or evidence of contract, for the payment of the consideration monies for any lands or tenements agreed to be sold, but not conveyed, by the decedent or decedents, in his, her or their life-time, to cause the same to be proved, and to present a petition in manner aforesaid, whereupon the same proceedings shall be had, and with the same force and effect, as is herein above directed, where the purchaser or his representative shall procure such contract to be proved: *Provided always, nevertheless,* That no deed, to be executed in pursuance of this act, shall discharge the lands and tenements to be thereby conveyed, from the lien of the consideration money therefor, until it shall be actually paid or secured, according to the terms of the contract.

The consideration money how to be recovered, &c.

SECT. III. *And be it further enacted by the authority aforesaid,* That if any person or persons shall commence or prosecute any action or suit against the executors or administrators of any person deceased, upon such contract, without first causing or procuring the same to be proved and recorded in manner aforesaid, and giving notice thereof to the defendant or defendants, and allowing him or them time, until six weeks after the next succeeding court, to apply for leave to execute a deed for the specific performance of the contract, in manner aforesaid, such plaintiff or plaintiffs shall not be entitled to recover damages or costs for the non-performance of such contract, if the defendant or defendants shall plead, and upon the trial prove, that he, she or they were always ready, on reasonable notice, to perform the same, and shall, before the trial, produce in court a deed of conveyance pursuant to the contract, duly made and executed, according to the forms by this act required.

How executors, &c. may be sued.

SECT. IV. And whereas great inconveniences are often sustained, in cases where lands, tenements or hereditaments are devised to be sold by executors, from the want of power in such executors to bring actions for the recovery of possession thereof, and against trespasses thereon, and otherwise manage such estates, for the benefit of those who may be interested therein: *Be it further enacted by the authority aforesaid,* That when, by the last will and testament of a decedent, a naked authority only to sell lands, tenements or hereditaments, shall be given to executors; they shall take and hold the same interest in such lands, tenements or hereditaments, and

Power of executors to sell lands, &c.

1792. have the same powers and authorities respecting the same, as if the said lands, tenements or hereditaments, were devised to them to be sold, saving always to every testator the right to direct otherwise. (*d*)

Passed 31st March, 1792 —Recorded in Law Book, No. IV. page 308.

(*d*) By an act passed 12th of March, 1800, (chap. 2120,) in all cases wherein testators have devised, or may hereafter devise their real estates, or any part thereof, to their executors, to be sold, or have authorized and directed, or may hereafter authorize and direct such executors to sell and convey such real estates, or have directed, or may hereafter direct such real estates to be sold, without naming or declaring who shall sell the same, if one or more of such executors is, or are since dead, or shall hereafter die, it shall and may be lawful for the surviving executor or executors to bring actions for the recovery of possession thereof, and against trespasses thereon, to sell and convey such real estates, or manage the same for the benefit of the persons interested therein, as fully and completely as he, she or they, together with his, her or their co-executor or co-executors, would be empowered to do, if he, she or they, were still living.

Sect. 2. That in all those cases wherein such devises have been or shall be made, or such authority and direction given, if one or more of such executors hath or have refused, or shall hereafter refuse, or hath or have renounced, or shall renounce, it shall and may be lawful for the acting executor or executors, to sell and convey such real estates, and otherwise act respecting the same, as fully and completely as he, she or they, together with such refusing or renouncing executor or executors, would be empowered to do, if he, she or they, had not refused or renounced.

Sect. 3. That if where such devises as aforesaid have been or shall be made, or authorities and directions given, such executor or executors are deceased, or shall hereafter die, or have refused, or hereafter shall refuse, or have renounced, or shall renounce, and letters of administration with the will annexed, have been or shall be granted, it shall and may be lawful for such administrators with the will annexed, to sell and convey such real estates, and otherwise act, respecting the same, as fully and completely as if such deceased, refusing or renouncing executor or executors, might, or could have done, were he, she or they, still liv-

ing, or had he, she or they, accepted the execution of the last wills and testaments of such testators, or had not renounced.

Sect. 4. That if where such devises as aforesaid have been made, or shall be made, or authorities and directions given, such executor or executors, shall have been, or hereafter may be dismissed, or otherwise discharged, the executor or executors remaining, shall have like power to sell and to execute the said trusts and authorities, as fully and amply as if all the executors named had joined therein; or if all the executors have been, or hereafter shall be dismissed, or the letters testamentary have been, or shall be in any case vacated, and new letters awarded, it shall and may be lawful for the administrators, with the will annexed, or the administrator *de bonis non*, or other person or persons, to whom letters of administration shall legally issue, to sell, and to execute the said powers and authorities mentioned and contained in any last will and testament, as fully and amply as if all the executors named had joined therein.

Sect. 5. Nothing in this act shall be deemed or taken to prevent any testator, from directing by his or her last will and testament, otherwise than is herein declared and enacted.

And, by act of 14th of April, 1794, (chap. 1730,) in cases of contracts for land with persons afterwards becoming *non compotes mentis*, they may in like manner be enforced against the *custodee*, &c. who may also, in like manner, proceed to recover the purchase money.

And, by an act passed 2d of April, 1802, (chap. 2268,) in all cases hereafter, where a sale shall be duly made according to law, by virtue of an order of Orphans' Court, enabling the administrator of any intestate, to make sale of the real estate of such intestate, or any part thereof; and the administrator selling the same, under such order, shall happen to die before a deed of conveyance is made to the purchaser or purchasers, it shall be lawful to or for an administrator "of the goods not administered on," of such intestate, when such administration shall be granted, to and for the executor or administrator of the person or persons so



dying to make and execute to the purchaser or purchasers of any such estate, a deed or deeds of conveyance for the same.

Sect. 2. (A similar provision for cases previously existing.)

Sect. 3. In all cases where any administrator or administrators, having sold lands by order of Orphans' Court, as aforesaid, shall die intestate, not having executed a conveyance thereof, and no person shall within three months thereafter, be appointed administrator "of the goods not administered on," or apply and be appointed to administer the estate of such administrator or administrators so dying as aforesaid, it shall thereupon be the duty of the Or-

phans' Court of the proper county, on petition to be presented by the purchaser, setting forth the original proceedings, under the order of the court, to direct the sheriff of the county, for the time being, to make and execute the necessary deed or deeds of conveyance to such petitioner.

Sect. 4. Every deed made in pursuance of, and agreeably to the provisions of this act, shall vest the property therein described, as fully and effectually, as if the same had been made by the person or persons who may hereafter sell, or heretofore have sold, any such estates circumstanced as aforesaid.

1792.

### CHAPTER MDCVIII.

*An ACT for annexing the Loganian Library to the library belonging to the Library Company of Philadelphia, and for other purposes therein mentioned.*

Passed 31st March, 1792.—Private Act.—Recorded in Law Book No. IV. page 311.

### CHAPTER MDCX.

*An ACT for dividing the fourth election district in Bedford county into two separate election districts.*

WHEREAS the inhabitants of Quemahoning, Brothers valley, and Elk-lick townships, Turkey-foot, and Milford, in Bedford county, have by their petitions set forth, that they labour under great inconvenience on account of the distance they live from the place of holding their general elections: For remedy whereof,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the freemen of the townships of Quemahoning, Brothers valley, and Elk-lick, in the county of Bedford, shall, from and after the passing of this act, meet, and hold their general elections at the house now occupied by Robert Philson, in the town of Berlin, in the township of Brothers valley, in the county aforesaid, any law to the contrary notwithstanding.

(Now in Somerset county.)

SECT. II. *And be it further enacted by the authority aforesaid, That* the townships of Turkey-foot and Milford, in Bedford county, shall, from and after the passing of this act, be erected into a separate election district, to be called the fifth district in the county aforesaid; and the freemen of said district, hereby erected, shall hold their general elections at the house now occupied by Jesse Brakins, in Turkey-foot township, in the county aforesaid.

An election district in Bedford county erected.

Another in the same county.

Passed 3d April, 1792.—Recorded in Law Book No. IV. page 315.

## CHAPTER MDCXII.

1792.

(See a supplement to this act, 6th March, 1793, chap. 1650.)

*An ACT declaring Little Lehigh, and Poco Poco, or Big creek, in Northampton county, and Penn's creek, in Northumberland county, public highways.*

Little Lehigh declared a public highway.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Little Lehigh, in Northampton county, shall be a public highway, from the mouth thereof up to Adam Deshler's mill-dam.*

Poco Poco creek declared a highway.

SECT. II. *And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any person and persons to make and keep open, at his or their own expense, a passage in Jacob Weiss's mill-dam, across Poco Poco, or Big creek, in Northampton county aforesaid, sufficient for the passage of rafts and boats; provided that the said passage, so made and kept open, shall not injure the private rights of the said Jacob Weiss, his heirs or assigns; and the said Poco Poco creek, from the mouth to the falls thereof, shall be a public highway, from and after the passing of this act, saving the rights of the said Jacob Weiss, as aforesaid.*

Penn's creek declared a highway.

SECT. III. *And be it further enacted by the authority aforesaid, That from and after the passing of this act, Penn's creek, in the county of Northumberland, below the mouth of Sinking creek, not heretofore declared a public highway, shall hereafter be, and is hereby, declared to be a public highway, from the mouth thereof to the mouth of Sinking creek.*

Passed 3d April, 1792.—Recorded in Law Book No. IV. page 317.

## CHAPTER MDCXIII.

(See the notes to chap. 1083, vol. 2, p. 102.)

*An ACT for the sale of the vacant lands within this commonwealth.*

WHEREAS the most valuable lands within this commonwealth, included within the purchase made from the native Indians in the year one thousand seven hundred and sixty-eight, have been taken up, located, and appropriated for the use of divers purchasers, at prices heretofore established by law, and those which remain unsold and unsettled, being inferior in quality or situation, cannot be sold at the same prices: And whereas the prices fixed by law for other lands belonging to the commonwealth are found to be so high, as to discourage actual settlers from purchasing and improving the same:

SECT. I. *Be it therefore enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,*

The price of certain vacant lands reduced, &c.

*That from and after the passing of this act, the price of all the vacant lands within the limits of the purchase made of the Indians in the year one thousand seven hundred and sixty-eight, and all pre-*



ceding purchases, excepting always such lands as have been previously settled upon or improved, shall be reduced to the sum of fifty shillings for every hundred acres; and the price of vacant lands, within the limits of the purchase made of the Indians in the year one thousand seven hundred and eighty-four, and lying east of Allegheny river and Conewango creek, shall be reduced to the sum of five pounds for every hundred acres thereof; and the same shall and may be granted to any person or persons applying for the same at the price aforesaid, in the manner and form accustomed under the laws heretofore enacted, and now in force.

1792.

Other vacant  
lands re-  
duced, &c.

SECT. II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, all other lands belonging to this commonwealth, and within the jurisdiction thereof, and laying north and west of the rivers Ohio and Allegheny, and Conewango creek, excepting such parts thereof as heretofore have been, or hereafter shall be, appropriated to any public or charitable use shall be, and are hereby, offered for sale to persons who will cultivate, improve and settle the same, or cause the same to be cultivated, improved and settled, at and for the price of seven pounds ten shillings for every hundred acres thereof, with an allowance of six per centum for roads and highways, to be located, surveyed and secured to such purchasers, in the manner herein after mentioned.

All other  
land how to  
be sold and at  
what rate.

SECT. III. *And be it further enacted by the authority aforesaid,* That upon the application of any person who may have settled and improved, or is desirous to settle and improve, a plantation within the limits aforesaid, to the Secretary of the Land-Office, which application shall contain a particular description of the lands applied for, there shall be granted to him a warrant for any quantity of land within the said limits, not exceeding four hundred acres, requiring the Surveyor-General to cause the same to be surveyed for the use of the grantee, his heirs and assigns for ever, and make return thereof to the Surveyor-General's office, within the term of six months next following, the grantee paying the purchase money, and all the usual fees of the Land-Office.

Proceedings  
in favour of  
settlers.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the Surveyor-General shall, with the approbation of the Governor, divide the lands thus offered for sale into proper and convenient districts, in such manner as he may think expedient, so that the boundaries of each district, either natural or artificial, may be known, and appoint one deputy-surveyor for each district, who shall give bond and security, as is customary with other deputy-surveyors in this commonwealth, and shall reside within, or as near as possible to, his respective district; and every such deputy-surveyor shall, within sixty days next after his appointment, certify to the Surveyor-General, the county, township and place, where such deputy-surveyor shall keep his office open, for the purpose of receiving warrants, in order that all persons who may apply for lands as aforesaid may be duly informed thereof; and every deputy-surveyor, who shall receive any such warrant, shall make fair and clear entries thereof in a book, to be provided by him for that purpose, distinguishing therein the name of the person therein mentioned,

Deputy-  
surveyors of  
districts to  
be appointed.

Deputies to  
give notice  
of the place  
where their  
offices are  
kept.

And keep  
books for  
entering  
warrants,  
&c.

1792.

the quantity of land, date thereof, and the day on which such deputy-surveyor shall receive the same, which book shall be open at all seasonable hours to every applicant, who shall be entitled to copies of any entries therein, to be certified as such, and signed by the deputy-surveyor, the party paying one quarter of a dollar therefor.

Further  
duties of  
deputy-  
surveyors.

SECT. v. *And be it further enacted by the authority aforesaid,* That the deputy-surveyor shall, at the reasonable request and proper cost and charges of the respective grantees in such warrants named, proceed to survey the lands in such warrants described, as nearly as may be, according to the respective priorities of their warrants; provided, that they shall not, by virtue of any warrant, survey any tract of land, that may have been actually settled and improved prior to the date of the entry of such warrant with the deputy-surveyor of the district, except for the owner of such settlement and improvement; and having perfected such surveys, shall enter the same in a book, to be kept by the deputy-surveyor, and to be called the survey book; and the same book shall remain in his office, liable to be inspected by any person whatsoever, who shall demand to see the same, upon the payment of eleven pence for every search; and the deputy-surveyor shall cause copies of any such survey to be made out, and delivered to any person, upon the payment of one quarter of a dollar for each copy.

Deputies  
not to survey  
out of their  
districts.

The land in  
each war-  
rant to be  
surveyed in  
one tract;

The form  
prescribed.

If the survey  
exceeds the  
quantity in  
the warrant  
the excess to  
be paid for.

SECT. VI. *And be it further enacted by the authority aforesaid,* That in making any survey by any deputy-surveyor, he shall not go out of his proper district to perform the same, and that every survey made by any deputy-surveyor without his proper district shall be void and of non effect; and the Surveyor-General, and his deputies, are hereby severally directed and enjoined to survey, or cause to be surveyed, the full amount of land contained and mentioned in any warrant, in one entire tract, if the same can be found, in such manner and form, as that such tract shall not contain in front on any navigable river or lake, more than one half of the length or depth of such tract, and to conform the lines of every survey in such manner as to form the figure or plot thereof, as nearly as circumstances will admit, to an oblong, whose length shall not be greater than twice the breadth thereof; and in case any such survey should be found to contain a greater quantity of land, than is mentioned in the warrant on which it shall be made, so that such excess be not more than one tenth of the number of acres mentioned in such warrant, besides the usual allowance for roads and highways, the return thereof shall nevertheless be admitted under the warrant, provided the party procuring such return to be made shall forthwith pay to the Receiver-General of the Land-Office, the price or value of such excess or overplus land, at the same rate at which he paid for the land mentioned in the warrant.

Deputies  
how and  
when to  
make return  
to the Sur-  
veyor-Gen-  
eral.

SECT. VII. *And be it further enacted by the authority aforesaid,* That every deputy-surveyor to be appointed by virtue of this act shall, within the month of February, in the next year, make and return into the office of the Surveyor-General, plots of every survey which he shall have made in pursuance of any warrant, connected together in one general draft, so far as they may be contigu-



ous to each other, with the courses and distances of each line, the quantity of land contained in each survey, and the name of the person for whom the same was surveyed; and every succeeding year he shall make a like return of the surveys made in the year preceding. 1792.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the deputy-surveyor of the proper district shall, upon the application of any person who has made an actual settlement and improvement on lands lying north and west of the rivers Ohio and Allegheny, and Conewango creek, and upon such person paying the legal fees, survey and mark out the lines of the tract of land to which such person may, by conforming to the provisions of this act, become entitled by virtue of such settlement and improvement: *Provided,* That he shall not survey more than four hundred acres for such person, and shall, in making such survey, conform himself to all the other regulations by this act prescribed.

Deputies to make surveys for actual settlers :

Proviso.

SECT. IX. *And be it further enacted by the authority aforesaid,* That no warrant or survey, to be issued or made in pursuance of this act, for lands lying north and west of the rivers Ohio and Allegheny, and Conewango creek, shall vest any title in or to the lands therein mentioned, unless the grantee has, prior to the date of such warrant, made, or caused to be made, or shall, within the space of two years next after the date of the same, make, or cause to be made, an actual settlement thereon, by clearing, fencing and cultivating at least two acres for every hundred acres contained in one survey, erecting thereon a messuage for the habitation of man, and residing, or causing a family to reside thereon, for the space of five years next following his first settling of the same, if he or she shall so long live; and that in default of such actual settlement and residence, it shall and may be lawful to and for this commonwealth to issue new warrants to other actual settlers for the said lands, or any part thereof, reciting the original warrants, and that actual settlements and residence have not been made in pursuance thereof, and so as often as defaults shall be made, for the time and in the manner aforesaid, which new grants shall be under and subject to all and every the regulations contained in this act: *Provided always nevertheless,* That if any such actual settler, or any grantee in any such original or succeeding warrant, shall by force of arms of the enemies of the United States, be prevented from making such actual settlement, or be driven therefrom, and shall persist in his endeavours to make such actual settlement as aforesaid, then, in either case, he and his heirs shall be entitled to have and to hold the said lands, in the same manner as if the actual settlement had been made and continued.

What settlement will vest a title in the warrantee.

(On the subject of this section, see vol. 2, page 205, to 240.)

When other warrants may issue.

Proviso.

SECT. X. *And be it further enacted by the authority aforesaid,* That the lands actually settled and improved according to the provisions of this act, to whosoever possession they may descend or come, shall be and remain liable and chargeable for the payment of the consideration or purchase money at the rate aforesaid, for every hundred acres, and the interest thereon accruing from the dates of such improvements; and if such actual settler, not being hindered as aforesaid, by death, or the enemies of the United States, shall

The lands to be liable for the consideration money and interest.

Actual settlers when to apply for

1792.

warrants,  
&c.

neglect to apply for a warrant for the space of ten years after the time of passing this act, it shall and may be lawful to and for this commonwealth to grant the same lands, or any part thereof, to others, by warrants, reciting such defaults; and the grantees, complying with the regulations of this act shall have, hold and enjoy the same to them, their heirs and assigns; but no warrant shall be issued in pursuance of this act, until the purchase money shall be paid to the Receiver-General of the Land-Office.

Stay of patents after caveats are decided; and suits when to be brought.

(See vol. 2, page 207-8.)

Proceedings in such suit; or in case none is entered.

Effect of a patent.

What lands shall not be taxed for ten years.

Reservations of certain tracts of land for the commonwealth.

The Lake Erie tract annexed to Allegheny county.

SECT. XI. *And be it further enacted by the authority aforesaid,* That when any caveat is determined by the Board of Property, in manner heretofore used in this commonwealth, the patent shall nevertheless be stayed for the term of six months, within which time the party against whom the determination of the Board is, may enter his suit at common law, but not afterwards; and the party in whose favour the determination of the Board is, shall be deemed and taken to be in possession, to all the intents and purposes of trying the title, although the other party should be in actual possession, which supposed possession shall nevertheless have no effect upon the title; at the end of which term of six months aforesaid, if no suit is entered, a patent shall issue according to the determination of the Board, upon the applicant producing a certificate of the prothonotary of the proper county that no suit is commenced, or if a suit is entered, a patent shall, at the determination of such suit, issue in common form to that party in whom the title is found by law; and in both cases, the patent shall be and remain a full and perfect title to the lands against all parties and privies to the said caveat or suit; saving nevertheless to infants, femmes coverts, persons beyond sea, *non compotes mentis*, and others under disabilities, their respective rights, until twelve months after such disabilities are removed.

SECT. XII. *And be it further enacted by the authority aforesaid,* That no direct taxes shall be levied, assessed or collected, for the use of this commonwealth, upon or from any of the lands or tenements lying north and west of the purchase made of the Indians in the year one thousand seven hundred and sixty-eight, or the personal estate found thereupon, for the full space or term of ten years from and after the passing of this act.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That the following tracts of land shall be reserved for the use of the commonwealth, that is to say; at Presque-isle formed by Lake Erie, the island or peninsula which forms the harbour, and a tract extending eight miles along the shore of the Lake, and three miles in breadth, so as to include the tract already surveyed, by virtue of a resolution of the General Assembly, and the whole of the harbour formed by the said Presque-isle, at the mouth of Harbour creek, which empties into the Lake Erie, and along the shore of the Lake, on both sides of said creek, two thousand acres.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That all the lands within the triangle on Lake Erie, purchased from the United States, shall be taken and deemed, and they are hereby declared to be, within the limits of the county of Allegheny.



**SECT. XV.** *And be it further enacted by the authority aforesaid* 1792.  
 That it shall and may be lawful to and for the holder or holders of any unsatisfied warrant and warrants, heretofore issued for lands, agreeably to the seventh section of the act, entitled "An Act to alter and amend an act of Assembly, entitled "An Act for opening the Land-Office, for granting and disposing of the unappropriated lands within this state,"\* passed on the twenty-first day of December, in the year one thousand seven hundred and eighty-four, to locate the quantity of land for which such unsatisfied warrant and warrants was and were granted, in any district of vacant and unappropriated land within this commonwealth; provided the owner or owners of such unsatisfied warrants shall be under the same regulations and restrictions, as other owners of warrants taken for lands lying north and west of the Allegheny river and Conewango creek, are made subject by this act, the said recited act, or any other act or acts of the General Assembly, to the contrary thereof in anywise notwithstanding.

Unsatisfied warrants, issued under a former law, may be located on any vacant lands;

\*(Vol 2, pa. 272.)

Subject to the restrictions of this act.

Passed 3d April, 1792.—Recorded in Law Book No. IV. page 319.

## CHAPTER MDCXIV.

*An ACT for establishing and building a bridge across the river Lehigh, at Bethlehem, in the county of Northampton.*

[**JOHN SHROPP** empowered to build a bridge across Lehigh at or near the ferry at Bethlehem, and to take certain specified tolls; to obtain the consent of the owners of the ground on each side of the river, penalty for exacting unlawful tolls, and appeal to the next sessions on conviction. Provision for making the bridge a free bridge, if the legislature should so declare it, and how the compensation is to be estimated.]

Passed 3d April, 1792.—Recorded in Law Book No. IV. page 318.

## CHAPTER MDCXVII.

*An ACT for establishing a nightly watch, providing lamps, and supporting pumps, for public use, in the borough of Lancaster, in the county of Lancaster.*

[**THE** borough of Lancaster divided into four wards. 2. Ward- (Printed at large, vol. 4th, 3 vo. pa. 146.  
 ens and assessors to be chosen on the fourth Monday in September, annually, by the freeholders and taxable inhabitants of the borough. vol. 3, folio, pa. 222.)  
 Vacancies to be supplied by the burgesses and assistants, penalty on wardens refusing to serve, but not compellable to serve more than one year in any term of three years. 3. The manner prescribed for laying assessments, the pay of assessors and duty of the wardens, assessments to be returned to the corporation, not to exceed four pence in the pound in any one year, and deficiencies to be paid out of the next year's rate. Surplus to be carried to next year's ac-

1792. count; single freemen may be taxed not less than three, nor more than six shillings. 4. A collector of the taxes to be appointed, to give bond and surety, his duties and compensation; appeals allowed. 5. Proceedings to recover the sums charged after the day of appeal, in case of refusal to pay. 6. The collector, how to account and pay over the monies, and penalty for his neglect or refusal to perform his duty. 7. Treasurer of the corporation to be appointed, to give sureties, how compensated. 8. To receive all monies from the collector and his duties prescribed. 9. The corporation to keep regular accounts of their proceedings under this act. 10. Qualifications, or oaths, &c. to be taken by the assessors and wardens. 11. The corporation to maintain pumps out of the monies to be collected by this act, and proceedings to secure the keeping of the pumps in good order, and penalty for breaking or damaging the pumps. 12. The corporation to put up lamps and employ watchmen, and to regulate the duties of the wardens and watchmen; and in what manner the alarm is to be given in case of fire. 13. Wardens daily to examine the lamps, and penalty for maliciously damaging the lamps, &c. or neglecting to give notice of accidental damage. 14. Penalties incurred by minors, apprentices and servants, how to be satisfied. 15. All penalties to be recovered before a justice of the peace, and to be sued for within three months.]

Passed 4th April, 1792.—Recorded in Law Book No. IV. page 333.

## CHAPTER MDCXXI.

*An ACT to unite the fifth and sixth election districts in the county of Washington.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the fifth and sixth election districts, in the county of Washington, shall, from and after the passing of this act, be united, established, and erected into one election district, in the said county, called the fifth election district of the same; and that the freemen of the said fifth district, hereby erected, shall hold their annual election at the house now occupied by George Burget, miller, and shall be entitled to like privileges, as are by law granted to other election districts, any thing in the election laws of this commonwealth to the contrary in any wise notwithstanding.*

Passed 8th of March, 1792.—Recorded in Law Book No. IV. page 350.

## CHAPTER MDCXXII.

*A SUPPLEMENT to the act, entitled "An Act to provide for the support of the government of this commonwealth."*

SECT. I. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That*

The fifth election district of Washington county erected.

The electors where to meet.

[Ante. pa. 26, chap. 1563.]



nothing in the act, entitled "An Act to provide for the support of the government of this commonwealth," passed the thirteenth day of April, one thousand seven hundred and ninety-one, shall be construed to deprive the Attorney-General of the fees heretofore fixed by law for his services in his office, but he shall receive the legal fees to which he was entitled before the passing of the act, to which this is a supplement. 1792.

The attorney-general's fees not to be affected by a former act.

SECT. II. *Be it further enacted by the authority aforesaid, That* the several annual salaries mentioned in the act, to which this is a supplement, shall be paid quarterly, by warrants drawn by the governor on the treasurer of this state. Annual salaries to be paid quarterly.

SECT. III. [Bench fees to be paid to the treasurer of the county, for the use of the county. Virtually repealed the twenty-fourth of February, one thousand eight hundred and six.]

Passed 4th April, 1792.—Recorded in Law Book No. IV. page 351.

### CHAPTER MDCXXIII.

*An ACT erecting the township of Newton, and part of West Pennsborough, in Cumberland county, into a separate election district.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the township of Newton, and that part of West Pennsborough which lies westward of a road, known by the name of Smith's road, beginning at a point in the said road, in the division line of York and Cumberland counties, thence by the same road to Pine Grove furnace, and from thence a straight line to Samuel Weakley's, on the Walnut bottom, and leaving Smith's, Browster's, and the aforesaid Samuel Weakley's, in the district of Carlisle, and from thence by the said Walnut bottom road to Smith's road, thence by Smith's road to the head of Mount-rock spring, and from thence by the same road to Alter's, late Wood's mill, from thence by the same road to M'Clure's gap, in the North mountain, and continuing to the line of Toboin township, shall, from and after the passing of this act, be struck off and separated from the first and fourth election districts in the said county of Cumberland, and be established and erected into a separate district, called the fifth election district, in said county of Cumberland; and that the freemen of the said fifth district, hereby erected, shall hold their annual elections at the school-house in the town of Neufville,\* in Newton township aforesaid, and shall be entitled to like privileges, as by the constitution and laws of this commonwealth are granted to the other districts of this commonwealth, any thing in the election laws of this state to the contrary in any wise notwithstanding.

The fifth election district in Cumberland county erected;

and the electors to meet at the school-house in Neufville. (New-Ville.)

Passed 4th April, 1792.—Recorded in Law Book No. IV. page 352.

1792.

## CHAPTER MDCXXV.

*An ACT for the relief and support of poor confined debtors.*

[\* See vol.  
1, pa. 181,  
chap. 315,  
and the notes  
thereto.]

**WHEREAS** many persons confined for debt in the prison called the debtors apartment, in the city of Philadelphia, are so poor, as to be unable to procure food for their subsistence, or fuel or covering in the winter season, and it is inconsistent with humanity to suffer them to want the common necessities of life :

Inspectors of  
the gaol to  
be inspec-  
tors of the  
debtors  
apartment ;

attend once  
a week, and  
make regu-  
lations.

Duty of the  
inspectors.

Allowance  
to be paid by  
plaintiffs  
weekly.

Salary of the  
keeper of the

**SECT. I.** *Be it therefore enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the inspectors appointed, and to be appointed, by the mayor and aldermen of the city of Philadelphia, and the justices of the county of Philadelphia, for the regulating and inspecting the common gaol of the said county, under an act of assembly of this commonwealth, passed the fifth day of April, in the year of our Lord one thousand seven hundred and ninety, entitled "An act to reform the penal laws of this state," shall likewise be inspectors of the said debtors apartment, and shall attend at the said debtors apartment, at least once in each week, and shall examine into and inspect into the management thereof, and the conduct of the keeper and his deputies, and shall make such orders and regulations, with regard to the well ordering and cleanliness of the said apartment, as shall be approved of by the mayor of the said city, and the president of the court of common pleas for the county of Philadelphia.\*

**SECT. II.** *And be it further enacted by the authority aforesaid, That* it shall be part of the duty of the said inspectors, to examine into the condition of the several persons confined in the said debtors apartment, with regard to their want of the common necessities of life, and to provide fuel and blankets for such of them as are incapable of obtaining them by reason of his or her poverty ; the charges of such provision for the said debtors, respectively, to be paid by the county treasurer of Philadelphia county, out of the county stock, under orders of the commissioners of the said county, who are hereby directed to draw such orders, from time to time, on certificates from the said inspectors, allowed by the mayor of the said city of Philadelphia and president of the court of common pleas of Philadelphia county ; and the said inspectors shall make an allowance of seven cents per day for food to each of such poor debtors, as is incapable of supporting him or herself, the said latter allowance to be paid weekly by the plaintiff or plaintiffs, at whose suit or suits such debtor is confined ; and the neglect or refusal of payment of such allowance, by or on behalf of such plaintiff or plaintiffs, on every Monday, after ten days notice hath been given of such allowance by the inspectors to the said plaintiff or plaintiffs, or his, her, or their attorney, or agent or agents, shall operate as a discharge from confinement of such poor debtor.

**SECT. III.** *Be it further enacted by the authority aforesaid, That* the said keeper of the debtors apartment in the city of Phi-

\* The rules and regulations made for the debtors' apartment, have been inadvertently printed, in vol. 2, pa. 545, to which the reader is referred.



Philadelphia shall have and receive the annual sum of five hundred dollars, in quarterly payments, in lieu of all fees from the county stock, for his care, trouble and services, and that of his assistant or assistants in the said office, on orders to be drawn, from time to time, by the commissioners of Philadelphia county, on the treasurer of that county. 1792.

debtors  
apartment:  
how to be  
paid.

SECT. IV. And whereas it may be necessary that alterations be made in the debtors apartment, in order to render the same convenient: *Be it further enacted by the authority aforesaid,* That the commissioners of the county of Philadelphia are hereby authorized, to make such alterations in the said debtors apartment as they shall judge necessary, provided the expense of the said alterations does not exceed the sum of four hundred dollars, which expense shall be paid by orders to be drawn by the commissioners on the treasurer of the said county.

Alterations  
to be made  
in the debt-  
ors apart-  
ments.

SECT. V. And whereas it may not be practicable at present to extend all the provisions that are herein made for the debtors confined in the debtors apartment in the city of Philadelphia, to all the gaols of the several counties in this commonwealth: Therefore, in order to prevent the want of the common necessities of life to such persons as are or may be confined for debt in the several gaols of the different counties, *Be it further enacted by the authority aforesaid,* That the courts of common pleas in the several counties of this commonwealth be, and they are hereby, empowered and enjoined to make the like allowance and provision for fuel and blankets, for the use of such of the debtors confined in the gaols of their respective counties, as are incapable of obtaining them by reason of his or her poverty, the charges of such provision for the said debtors, respectively, to be paid by the treasurer of the county, out of the county stock, under orders of the commissioners of the said county, who are hereby directed to draw such orders, from time to time, on certificates of the said courts; and the said courts shall make an allowance, not exceeding seven cents per day, for food, to each of such poor debtors as is incapable of supporting him or herself, the said latter allowance to be paid weekly by the plaintiff or plaintiffs, at whose suit or suits such debtor is confined; and the neglect or refusal of payment of such allowance, by or on behalf of such plaintiff or plaintiffs, on every Monday, after notice given thereof by the said courts to the said plaintiff or plaintiffs, or his, her, or their attorney, or agent or agents, shall operate as a discharge from confinement of such poor debtor.

Allowance  
of neces-  
saries to  
confined  
debtors how  
to be made.

The charge  
how payable.

A weekly  
allowance to  
be paid by  
plaintiffs;

and in case  
of neglect  
the prisoner  
discharged.

Passed 4th April, 1792.—Recorded in Law Book No. IV. page 353.

## CHAPTER MDCXXVIII.

*An ACT to provide for printing, publishing, and distributing the laws of this commonwealth, and to direct a proper index to be made of the records of the executive department.*

WHEREAS it is the duty of those who are entrusted with the administration of the public affairs, to make an early and accu-

(Ante. pa. 8.  
post. chap.  
1555.)

1792. rate communication of their proceedings to their constituents; and it is essential to the peace and prosperity of the community that a knowledge of the laws should be generally disseminated: In order therefore, to facilitate the attainment of those important objects,

The govern-  
or to employ  
a printer of  
the laws.  
[Repealed  
17th March,  
1806.]

The secreta-  
ry to collate  
and correct  
the proof  
sheets, &c.

The secreta-  
ry to collect  
and distri-  
bute the laws  
of each ses-  
sion.

The ratio of  
distribution  
among the  
counties, &c.  
prescribed.

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* [the governor may and shall, from time to time, appoint and employ a printer or printers, to print and publish not more than three thousand, nor fewer than two thousand five hundred, copies of the acts and resolutions of the General Assembly of this commonwealth, as soon as conveniently may be after the same shall be enacted and passed:] And it shall be the duty of the Secretary of the commonwealth to collate with, and correct by the original rolls, the proof sheets of the printed copies of the said acts and resolutions respectively, and to affix thereunto proper marginal notes, stating the purport of each paragraph, or section, before the same shall be published.

SECT. II. *And be it further enacted by the authority aforesaid, That* at the end of each and every session of the General Assembly, the Secretary of the commonwealth shall cause the acts and resolutions passed therein to be collected and stitched together in one pamphlet, with a cover of blue boards, of which he shall deliver twenty-five copies into the keeping of the Clerk of the Senate, for the use of the members of the Senate respectively, and eighty-six copies into the keeping of the Clerk of the House of Representatives, for the use of the members of the House of Representatives respectively. And he shall distribute the residue in manner following, that is to say; to the Prothonotary of the Supreme Court six copies, one thereof for each of the Judges, one for the Attorney-General, and one for himself; to the Secretary of the Land-Office one copy; to the Surveyor-General one copy; to the Receiver-General of the Land-Office one copy; to the Comptroller-General one copy; to the Register-General one copy; to the State Treasurer one copy; to the Clerk of the Mayor's court of the city of Philadelphia one hundred and fifty copies; to the Prothonotary of the county of Philadelphia one hundred and fifty copies; to the Prothonotary of the county of Bucks one hundred and twenty copies; to the Prothonotary of the county of Chester one hundred and twenty copies; to the Prothonotary of the county of Lancaster one hundred and eighty copies; to the Prothonotary of the county of Dauphin ninety copies; to the Prothonotary of the county of York one hundred and eighty copies; to the Prothonotary of the county of Cumberland ninety copies; to the Prothonotary of the county of Berks one hundred and fifty copies; to the Prothonotary of the county of Northampton one hundred and twenty copies; to the Prothonotary of the county of Bedford eighty copies; to the Prothonotary of the county of Northumberland ninety copies; to the Prothonotary of the county of Westmoreland ninety copies; to the Prothonotary of the county of Washington one hundred and twenty copies; to the Prothonotary of the county of Fayette sixty copies; to the Prothonotary of the county of Franklin seventy copies; to the Prothonotary of the county of Montgomery one hun-



dred and twenty copies ; to the Prothonotary of the county of **Huntingdon** fifty copies ; to the Prothonotary of the county of **Luzerne** forty copies ; to the Prothonotary of the county of **Mifflin** sixty copies ; to the Prothonotary of the county of **Allegheny** fifty copies ; and to the Prothonotary of the county of **Delaware** ninety copies.

And the said Clerk of the Mayor's Court of the city of **Philadelphia**, and the Prothonotaries of the several counties aforesaid, shall, upon the receipt of the said pamphlets, distribute the same within the jurisdiction of the courts to which they respectively belong, as follows, that is to say ; the said Clerk of the Mayor's court shall deliver one copy thereof to the Mayor, Recorder, and to each of the Aldermen of the said city of **Philadelphia**, and one hundred and thirty-five copies thereof to the Clerk of the corporation of the said city of **Philadelphia**, for the use of the corporation, and of the citizens of the said city of **Philadelphia** ; and the said Prothonotaries shall deliver one copy thereof to each Judge of the Court of Common Pleas, Register of wills, Recorder of deeds, Clerk of the Quarter Sessions, and to each justice of the peace, to the board of county commissioners one copy, and to each of the said commissioners one copy, and one copy to the Constable of each township, for the use thereof, to be lodged in the respective townships, at the usual place of meeting to choose township officers ; and shall distribute the remaining copies among the inhabitants of the several townships, within their respective counties aforesaid.

How to be distributed by the county officers, &c.

SECT. III. *And be it further enacted by the authority aforesaid,* That as often as there shall be a number of laws enacted sufficient to form a volume of a convenient size, it shall be the duty of the Secretary of the commonwealth to cause a concise and complete index to be made of the contents of such laws, which index shall be printed, and included in the pamphlets containing the acts of the last session that are to be comprised in the volumes respectively, and the Secretary of the commonwealth shall farther thereupon cause two hundred sets of the said laws and index to be neatly bound in volumes, and properly lettered, and deliver five sets thereof, so bound and lettered, to the clerk of the Senate, for the use of the Senate, and fifteen sets thereof to the clerk of the House of Representatives, for the use of the said House of Representatives ; [to the President of the High Court of Errors and Appeals, and to each Judge thereof, not included in some other description in this act contained, one copy,] and to the clerk of the said court one copy ; to the Prothonotary of the Supreme Court six copies, one thereof for each of the Judges, one for the Attorney-General, and one for himself ; and to the President and Judges of the Courts of Common Pleas of the several counties, each one copy ; and to the clerks of the Mayor's Court, and of the corporation of the city of **Philadelphia**, and to the Prothonotaries of the several counties, for the use of the respective courts, when sitting, each one copy ; and to the Secretary of State of the United States, one copy ; to the Attorney-General of the United States, one copy ; to the Secretary of the Senate of the United States, for the use of the said Senate, one copy ; to the clerk of the House of Representatives of the

The secretary to cause the laws to be bound in volumes, with an index.

The laws to be bound in volumes and distributed.

How to be distributed.

1792. United States, for the use of the said house, one copy; to the executives of each state in the union, for the use of their respective Legislatures, one copy; three sets thereof to the library company of Philadelphia; and the remaining sets he shall retain in his own custody, subject to the orders of the Legislature, or of the Governor.

The secretary to attest the collation of the laws.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the Secretary of this commonwealth shall prefix to each volume an attestation, under his hand, that he has collated the laws contained therein with the original rolls in the Rolls-Office, and corrected the same thereby.

Further duties of the secretary.

[SECT. VI. *And be it further enacted by the authority aforesaid,* That the Secretary of the commonwealth shall enter, or cause to be entered, in suitable books, which he shall procure for that purpose, such minutes of the proceedings of the executive department of this commonwealth as have not already been so entered, and shall thereupon forthwith make, or cause to be made, a sufficient index to the same, from the third day of July, one thousand seven hundred and seventy-five, to the third Tuesday of December, one thousand seven hundred and ninety inclusive; for which purposes, and to enable him to procure the assistance of an additional clerk to effect the same, the Governor is hereby authorized to draw a warrant in his favour, on the state treasurer, for a reasonable compensation, not exceeding one thousand dollars.]

A legal character to collate the republished laws. (obsolete.)

SECT. VII. [*And be it further enacted by the authority aforesaid,* That the Governor be, and he is hereby authorized, to employ a proper person, of legal abilities, to collate the laws denominated under the aforesaid description, who shall insert references from one act to another, or the title of another upon the same subject, or altering or repealing each other.]

The expenses incurred under this act how to be paid.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the expenses necessarily incurred for carrying into effect the various provisions of this act, shall be paid out of the fund appropriated by law for the support of government, upon warrants drawn by the Governor on the treasurer of the commonwealth; and the treasurer is hereby authorized and required to pay the same accordingly.

Passed 4th April, 1792.—Recorded in Law Book No. IV. page 469.

## CHAPTER MDCXXIX.

*An ACT to enable the Governor of this commonwealth to incorporate a company, for making an artificial road from the city of Philadelphia to the borough of Lancaster.*

[SECT. 1. PROVIDING for the mode of taking subscriptions is obsolete. 2. In what manner the company was to be incorporated—The style of the corporation to be “The president, managers and company of the Philadelphia and Lancaster turnpike road.”—



To have the usual corporate powers. 3. Proceedings to organize the company; no person to have more than ten votes at any election, &c. whatever number of shares he may have; and one vote for every share under that number. 4. The company to meet on the second Monday in January, annually, and at other times when summoned by the managers, and their powers at such meetings prescribed. 6. President and managers to meet for the transaction of business, as they shall agree—five members to form a quorum; their proceedings and powers at such meetings prescribed. 7. Regulations in case of neglect to pay the subscription money. 8. Privilege and powers of the managers in fixing the route of the road; but the general route fixed to be from Schuylkill to Brandywine bridge, Witmer's bridge and east end of Lancaster, at Kingstreet. 9. President and managers may enter lands, &c. to take materials, and mode of estimating the compensation to the owners. 10. President and managers to build bridges, &c.—the breadth and construction of the road prescribed: and to be forever kept in repair. 11. Tolls established at the completion of every ten miles of the road; and proceedings before tolls are allowed. 12. The company to appoint toll gatherers, and rates of tolls fixed. 13. Description and burthen of waggons and carriages permitted to travel during the several specified seasons; but these regulations may be altered by by-laws. 14. How tolls for oxen are to be estimated.]

SECT. xv. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road in good and perfect order and repair for the space of five days, and information thereof shall be given to any Justice of the Peace of the neighbourhood, such Justice shall issue a precept, to be directed to any constable, commanding him to summon three judicious freeholders to meet at a certain time, in the said precept to be mentioned, at the place in the said road which shall be complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto; and the said Justice shall, at such time and place, by the oaths or affirmations of the said freeholders, enquire whether the said road, or any part thereof, is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made under the hands of himself, and of a majority of the said freeholders; and if the said road shall be found by the said inquisition to be out of order and repair, according to the true intent and meaning of this act, he shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates, between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates, for passing the interval of road between them, shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put into good and perfect order and repair as aforesaid; and if the same shall not be so put into good and perfect order and repair, before the next ensuing Court of Quarter Sessions of the county wherein the same shall be, the said Justice shall certify, and send a copy of the said inquisition to the Justices of the said court, and the said court shall thereupon cause process

Proceedings  
in case the  
company do  
not keep the  
road in good  
order and  
repair.

1792.

to issue, and bring in the bodies of the person or persons, entrusted by the company with the care and superintendence of such part of the said road as shall be so found defective, and shall proceed upon such inquisition, in the same manner and form as upon indictments found by the grand inquest for the body of the county against supervisors of the highways, for neglect of their duty; and if the person or persons, entrusted by the said company as aforesaid, shall be convicted of the offence by the said inquisition charged, the said court shall give such judgment, according to the nature and aggravation of the neglect, as, according to right and justice would be proper in the case of supervisors of the highways neglecting their duty; and fines and penalties so to be imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said courts, and shall be paid to the supervisors of the highways of the place wherein the offence was committed, to be applied to repairing such highways as the township or county is bound to maintain and repair, at the public expense thereof.

[SECT. 16. Accounts how to be kept and inspected.—If the capital be insufficient to complete the road—power to enlarge it. 17. Dividends, how to be declared. 18. The income to be laid before the Legislature at stated periods, with provision in certain cases to increase the tolls. 19-20. Direction posts and mile stones to be placed on the road, &c.]

Drivers to keep the right hand side in the passing direction.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That all waggoners and drivers of carriages, of all kinds, whether of burthen or pleasure, using the said road, shall, except when passing by a carriage of slower draft, keep their horses and carriages on the right hand side of the said road, in the passing direction, leaving the other side of the road free and clear for other carriages to pass and repass; and if any driver shall offend against this provision, he shall forfeit and pay the sum of two dollars, to any person who shall be obstructed in his passage, and will sue for the same, to be recovered, with costs, before any Justice, in the same manner as debts under ten pounds are by law recoverable.

SECT. 22—is obsolete.

Passed 9th April, 1792.—Recorded in Law Book No. IV. page 493. (e)

(e) Supplement to this act, passed 17th April, 1795, (chap. 1842,) no toll to be paid by persons passing on the business of their farms, &c.

By a further supplement to this act passed 4th of April, 1798, (chap. 1997,) a penalty is prescribed for passing through private gates or bars, with intent to defraud the turnpike; or taking horses from carriage, &c. or wrongfully claiming or abusing exemptions, or practising any other fraudulent device; or for breaking and defacing mile-stones or direction posts, or Turnpike gates.—Scales and weights to be established at turnpike gates; and when and how car-

riages of burthen shall be weighed; and penalty on refusing to suffer the same to be weighed. Limitation of suits, and the act to continue in force two years. Extended for seven years by act of 11th April, 1799, (chap. 2081.)

Made perpetual, on certain conditions, (which have been acceded to,) by act of 11th April, 1807, (chap. 2853.)

See the act imposing penalties for defrauding turnpike companies of their legal tolls; and on gate keepers for receiving illegal tolls. Passed 4th April, 1807, (chap. 2802.)



## CHAPTER MDCXXX.

*An ACT to alter the place of holding the annual election in the second district within the county of Bedford.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the freemen of the second election district in the county of Bedford shall hold their annual election at the house now occupied by Michael Stall, in Belfast township, in the county aforesaid, any law to the contrary notwithstanding.

Elections  
where to be  
held, &c.

Passed 10th April, 1792.—Recorded in Law Book No. IV. page 506.

## CHAPTER MDCXXXIV.

*A SUPPLEMENT to the act, entitled “ An act to provide for the opening and improving sundry navigable waters and roads within this commonwealth.”*

[THIS act repeals some of the appropriations of the original act, ante. page 24, and alters some of the routes—as the road from the mouth of Juniata to David Miller’s.—The appropriations for the roads from Poplar run to Conemaugh, from Little Conemaugh to Stoney creek, and from Frankstown to Pittsburg, are directed to be applied, to the road from Frankstown to Conemaugh at the mouth of Stoney creek, and from thence to the northwest side of the Chesnut ridge, at or near Thomas Trimbles. Appropriations are also made for improving the navigation of certain parts of Monongahela, Youghiogeny, Raystown branch of Juniata and Dunning’s creek, out of the former appropriations to Little Conemaugh. *But the faith of the commonwealth is pledged to restore the part so taken away*, from Little Conemaugh, as soon as Kiskiminetas and Conemaugh shall be improved, &c.—The appropriations from Canoe Narrows to Poplar run, to be applied, from Canoe Narrows to Frankstown.—The appropriations from Bedford to Laurel hill, to be applied from Laurel hill to Chesnut ridge.—The appropriations made for the road from Fort Penn to Wallenpaupeck and Susquehanna, are also altered; and an additional appropriation is made for the Susquehanna; and sundry appropriations for improving roads. A road to be laid out from Peach bottom ferry on Susquehanna, on the most direct course, consistent with the most level and eligible ground, as far as the state extends, towards Christiana creek, to be viewed, surveyed and returned by commissioners as a state road: The appropriation from Fulton’s ferry towards Newport, is directed to be applied from M’Call’s ferry, until it intersects the road from Peach bottom towards Christiana. Roads are also

1792. directed to be laid out from Wilkes-Barrè to Wyalusing, or Mushoppen creek, from thence to intersect Ellicott's road at or near Tioga point, and from thence to the north bounds of the State ; also from Loyal Sock, on Susquehanna to the Tawanisco branch of Tioga, and to extend up to the one hundred and nine mile-stone ; and also from Stockport, on Delaware, to the east branch of Susquehanna near Mushoppen creek. The Governor to make contracts, &c. and necessary deviations and apportionments, &c.]

This act is chiefly obsolete.

Passed 10th April, 1792.—Recorded in Law Book No. IV. page 510.



# ACTS

OF THE

## General Assembly of Pennsylvania.

Passed during two sessions of the third Legislature under the present constitution; the first whereof commenced December 4th, 1792, and ended 11th of April, 1793,—the second, which commenced on the 27th of August, and ended on the 5th of September, 1793.

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THOMAS MIFFLIN. GOVERNOR.  
SAMUEL POWELL. SPEAKER OF THE SENATE.  
GERARDUS WYNKOOP, SPEAKER OF THE HOUSE OF  
REPRESENTATIVES.

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1793.

### CHAPTER MDCXXXIX.

*An ACT to revive certain powers in the Justices of the Supreme Court, and to vest similar powers in the Judges of the several courts of Common Pleas in this commonwealth.*

WHEREAS a certain act of General Assembly, passed on the twenty-eighth day of March, one thousand seven hundred and eighty-six, entitled "An act to empower the Justices of the Supreme Court to supply defects in the titles to lands, occasioned by the loss of deeds or writings respecting the same, or where they have been defaced or rendered illegible by time or accident," has expired by its own limitation: And whereas the said act has been found beneficial, and a revival of the several provisions thereof, with an extension of the powers therein mentioned to the several Courts of Common Pleas, cannot fail to prove advantageous to the interests, and conducive to the convenience, of the inhabitants of the commonwealth: Therefore,

[Original act  
chap. 1210,  
vol. 2, p. 375.]

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the act, entitled "An act to empower the Justices of the Supreme Court to supply defects in the titles to lands, occasioned by the loss of deeds or writings respecting the same, or where they have been*

Revival of  
a certain act  
in part.

1793. defaced by time or accident," and every clause, matter and thing, therein contained, excepting only the fifth section thereof, is hereby revived, in as full and ample a manner as if the same was herein and hereby particularly mentioned, set forth and re-enacted.

The judges of the common pleas empowered to supply defects in titles by loss of deeds, &c.

SECT. II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the Judges of the several Courts of Common Pleas within this commonwealth shall have, use and exercise, within their respective counties, all and every the powers, which in the said recited act were vested, and by this act are revived, in the justices of the Supreme Court, and shall, in all respects, proceed in a like manner touching the same; excepting, only, that the advertisements of notice, in any such proceeding before any of the said courts of Common Pleas, shall be in such public newspaper as may be published nearest to the court-house of such county, as well as in some of the public newspapers of the city of Philadelphia, and that the costs in such proceedings shall be taxed by the said court, or one of the judges thereof, agreeably to the rate of fees allowed for similar services in the same court, or as nearly so as circumstances will admit.

What shall be evidence of facts decreed.

SECT. III. *And be it further enacted by the authority aforesaid,* That the records and proceedings made and had in the court of common pleas aforesaid, or a copy thereof, authenticated under the hand of the prothonotary and the seal of the court, may and shall, at all times thereafter, be read upon any trial or controversy respecting the lands, tenements, hereditaments or possessions, described or mentioned in such bill or petition, and shall be taken and allowed as good and sufficient evidence of the facts so decreed and established, any law, usage or custom, to the contrary notwithstanding.

Passed 19th January, 1793.—Recorded in Law Book No. V. page 26.

## CHAPTER MDCXL.

*An ACT to change the place of holding the annual election in the fifth election district in the county of Bedford.*

The fifth election district of Bedford county altered.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the freemen of the fifth district in the county of Bedford shall meet, and hold their annual election at the house now occupied by John Shoff, in Milford township, in the county aforesaid, any former law to the contrary, in any wise notwithstanding.

Passed 24th January, 1793.—Recorded in Law Book No. V. page 28.



## CHAPTER MDCXLI.

1793.

*A SUPPLEMENT to the act, entitled "An Act to secure the persons employed in the building and fitting ships and vessels for sea, by making the body, tackle, apparel and furniture of such ships and vessels, liable to pay the several tradesmen employed in building and fitting them, for their work and materials."*

WHEREAS in and by an act of the General Assembly of this commonwealth, passed the twenty-seventh day of March, in the year of our Lord one thousand seven hundred and eighty-four, entitled "An act to secure the persons employed in the building and fitting ships and vessels for sea, by making the body, tackle, apparel and furniture of such ships and vessels, liable to pay the several tradesmen employed in building and fitting them, for their work and materials," a sufficient and ample remedy was provided for such tradesmen in the Court of Admiralty of this commonwealth, and experience has proved the necessity of such remedy: And whereas the Court of Admiralty of this commonwealth no longer exists, and the said act could not now be carried into effect in any of the courts of this state, or of the United States :

SECT. I. *Be it therefore enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the libel authorized by the third section of the act, entitled "An act to secure the persons employed in the building and fitting ships and vessels for sea, by making the body, tackle, apparel and furniture of such ships and vessels, liable to pay the several tradesmen employed in building and fitting them, for their work and materials," passed the twenty-eighth day of March, in the year of our Lord one thousand seven hundred and eighty-four, to be filed in the Court of Admiralty of this state, may be filed in the office of the prothonotary of the Court of Common Pleas of and for the county wherein the cause of action hath arisen, or shall arise, or in any other county within this state, in all cases by the said act provided for ; and thereupon such prothonotary shall cause to be issued a writ, in the nature of a writ of attachment, to be devised by the president of such court, and to be directed to the sheriff of the county, commanding him to arrest, attach and detain such ship or vessel, her tackle, apparel and furniture, to answer the complaint in such libel to be contained, and thereupon the process and proceedings shall be such and the same, and the said Court of Common Pleas shall be, and is hereby, authorized to take the same stipulation, and to pronounce the same interlocutory and final sentence, decree and judgment, upon the said libel, and upon any petition of other person or persons concerned, and to enforce the same by any writ or writs, or other compulsory process, to be devised by the president of such court in like manner, varying the forms as much as shall be proper, as in and by the act of the General Assembly, to which this is a supplement, the said Court of Admiralty was authorized to proceed in like cases. *Provided always nevertheless,* That where, in any of the cases occurring under the said act, or this act, questions of fact shall arise, an issue or issues shall be joined by the parties, their attornies or

[Original act, chap. 1077, vol. 2, pa. 95.]

Libel for securing the lien of tradesmen employed in ship building to be filed in the common pleas ;

and thereupon an attachment to issue.

Proceedings thereon

Facts, upon issue joined, to be tried by a jury.

1793. counsel, under the direction of the court, and shall be tried by a jury of the county forthwith, as in such courts is usual and customary in other disputed facts, unless the parties shall agree to refer the matters in variance by rule of court, as usual in other cases in the said courts.

Passed 9th February, 1793.—Recorded in Law Book No. V. page 28.

## CHAPTER MDCXLIV.

*An ACT to confirm Daniel Leet's survey of a town and out-lots at the mouth of Beaver creek, and to supersede the powers heretofore given to certain commissioners for superintending the said survey.*

[Ante. chap.  
1589, pa. 56.]

**WHEREAS** in and by an act of the General Assembly of this commonwealth, entitled "An act to empower the Governor to lay out a town and out-lots at the mouth of Beaver creek, for the uses therein mentioned," passed on the twenty-eighth day of September, in the year one thousand seven hundred and ninety-one, it is, among other things, provided, "That the said town and out-lots shall be laid out, or caused to be laid out, by the Surveyor-General, in such manner as commissioners appointed by the Governor shall direct:" And whereas the Surveyor-General deputed and authorized Daniel Leet, one of the deputy-surveyors, to lay out the said town and lots, but the said commissioners not being able to attend, the said Daniel Leet surveyed and laid the same out in their absence, and without their direction: And whereas the survey so made by the said Daniel Leet corresponds with the original design, and has received the approbation of the General Assembly: Therefore,

Daniel  
Leet's sur-  
vey con-  
firmed.

**SECT. I.** *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Daniel Leet shall return the survey of a town and out-lots at the mouth of Beaver creek, by him made, to the Surveyor-General, and the same shall thereupon be deemed and taken to be as valid and effectual, to all intents and purposes, as if it had been made in the presence and by the direction of the commissioners appointed by the Governor, in pursuance of an act, entitled "An act to empower the Governor to lay out a town and out-lots at the mouth of Beaver creek, for the uses therein mentioned," passed on the twenty-eighth day of September, in the year one thousand seven hundred and ninety-one: and the Governor shall proceed to make sale of the town-lots and out-lots contained in said survey, and grant conveyances therefor, in the same manner, and under the same regulations, exceptions and reservations, as are prescribed in the said recited act of the General Assembly.*

The gover-  
nor to sell  
the lots  
therein.

The appoint-  
ment of com-  
missioners  
annulled.

**SECT. II.** *And be it further enacted by the authority aforesaid, That so much of the aforesaid recited act, as authorizes the Governor to appoint commissioners for the purposes therein mentioned, and the powers and authority of the said commissioners, appointed*



in pursuance thereof, shall henceforth cease, determine, and be for ever void. 1793,

Passed 6th March, 1793.—Recorded in Law Book No. V. page 49.

## CHAPTER MDCXLV.

**A SUPPLEMENT** to the act, entitled "*An Act to regulate the trials of contested elections.*"

**SECT. I.** *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That in all contested elections of a Governor, or member of either branch of the legislature of this commonwealth, the person returned, and the candidate next highest in votes, shall be the parties in the trial thereof; and in case of the absence or neglect of such person next highest in votes, any one of the petitioners, duly qualified, who have signed the petition against such election, taking precedence according to the order in which they have signed the same, shall be considered as one of the parties.* (Ante. chap. 1574, pa. 43.) Who shall be parties in case of a contested election for governor.

**SECT. II.** *And be it further enacted by the authority aforesaid, That if either or both of the parties shall neglect to attend, for the purpose of objecting to and striking from the names drawn in pursuance of the provisions of the first and second sections of an act passed on the twenty-ninth day of September, one thousand seven hundred and ninety-one, entitled "An Act to regulate the trials of contested elections," the members of the Senate and of the House of Representatives jointly, or the members of either house separately, as the case may require, shall appoint one of their own number, in the place of either or both of the said parties so neglecting to attend, which member or members, so as aforesaid appointed, shall have full power and authority to do and perform every act and thing touching the same, in as valid and effectual a manner, as if the party or parties were personally present.* If the parties neglect to strike the committee, a member to be appointed for that purpose.

**SECT. III.** *And be it further enacted by the authority aforesaid, That no order shall be taken on any petition, unless the same is accompanied by a certificate from the treasurer, prothonotary, or any of the commissioners of the county or counties in which the petitioners reside, setting forth that the said petitioners, or as many of them as are required by the law to which this is a supplement, were, at the time of signing such petition, duly qualified electors.* Petitioners against an election to be qualified electors.

**SECT. IV.** *And be it further enacted by the authority aforesaid, That all witnesses sent for and attending the trial of contested elections shall be allowed six cents for every mile of the distance necessarily travelled by them, in coming to and returning from the place of such trial, and shall be allowed the sum of one dollar and thirty-three cents for every day they may be detained at the place of such trial; which mileage and expenses, as well as the expense of summoning the said witnesses, shall be taxed by the said committee appointed to try the election, and certified by their chairman* Allowance to witnesses for travelling and attendance: How to be taxed, certified, and paid.

1793. to the Speaker of one or both Houses, as the case may require; and the amount thereof, the same being first approved by the House or Houses to which such certificate is made, shall be paid by the treasurer of the county in which the facts complained of in such petition had taken place, on orders drawn by the Speaker of either or both Houses, as the case may require.

Duty of committees on contested elections.

SECT. v. *And be it further enacted by the authority aforesaid,* That committees, appointed in pursuance of the provisions of the act to which this is a supplement, shall in all cases have power not only to determine on the validity of contested elections, but also to decide which of the candidates has the greatest number of legal votes, which candidate shall thereupon be entitled to the seat or office, which he had been voted for at such election.

Expenses heretofore incurred, how payable. [Obsolete.]

[SECT. VI. And whereas a contest has arisen respecting the last election of representatives for the county of Dauphin, and sundry expenses have been incurred in obtaining the testimony, and conducting the trial respecting the said election: Therefore, *Be it further enacted by the authority aforesaid,* That the expenses incurred on the trial of the said contested election shall be paid, in all respects, agreeably to the rates set forth in the fourth section of this act.]

Passed 6th March, 1793.—Recorded in Law Book No. V. page 51.

## CHAPTER MDCXLVII.

[Original act, chap. 1532, page 15.]

*A SUPPLEMENT to an act, entitled "An Act to provide a more effectual method of settling the public accounts of the commissioners and treasurers of the respective counties."*

Further duties of the auditors.

SECT. v. *AND be it further enacted by the authority aforesaid,* That the auditors hereafter appointed, agreeably to the directions of the first section of the act, to which this is a supplement, shall have full power and authority to settle the accounts of the commissioners of the preceding year, respecting the said public landings and hay-scales, in the same manner, and subject to the same provisions, as by the said act is directed respecting the other accounts of the said commissioners. (f)

Passed 6th March, 1793.—Recorded in Law Book No. V. page 43.

(f) By the preceding part of this act, which is entirely obsolete; the auditors were authorized to settle the accounts relative to the public landings in the Northern-Liberties, and the hay

scales built on one of the said landings, from 20th of February, 1768, until the 1st of January, 1793, and make report to the Common Pleas within six months, &c.



## CHAPTER MDCXLVIII.

1793.

**A SUPPLEMENT** to the act, entitled "*An Act to authorize the Receiver-General of the Land-Office to carry monies received into that office since a given period, for lands sold, and which have not been nor shall be secured to the purchasers, to the credit of such purchasers, or their assigns, in payments already due, and hereafter to become due, to the commonwealth, for the purchase of any lands within the same.*"

(Original act, chap. 1602, ante. pa. 63, and see notes to chap. 1603, vol. 2, page 202-3.)

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the second section of the act, entitled "An Act to authorize the Receiver-General of the Land-Office to carry monies received into that office since a given period, for lands sold, and which have not been nor shall be secured to the purchasers, to the credit of such purchasers, or their assigns, in payments already due, and hereafter to become due to the commonwealth, for the purchase of any lands within the same," passed on the twenty-ninth day of March, one thousand seven hundred and ninety-two, as authorizes the allowance of interest upon the sum and sums of money, or balances, carried to the credit of any person or persons by virtue of the above mentioned act, from the time of the original payments to the time of the credit being applied for and made, shall be, and the same is hereby declared to be repealed, and made void: Provided nevertheless, and it is hereby further enacted by the authority aforesaid, That where such sum or sums of money have been paid, or such balances have become due, prior to the passing of this act, interest shall be allowed upon the said sum and sums of money, or balances, from the time of making the original payments, respectively, until the day of the passing of this act, and no longer.*

Repeal of so much of the law as allows interest on balances due to individuals in the Land-Office.

Proviso.

SECT. II. *And be it further enacted by the authority aforesaid, That, from and after the first day of January, in the year of our Lord one thousand seven hundred and ninety-five, all and every person and persons, who shall not previously apply for, and procure a credit to be entered in the books of the Receiver-General, for any such sum and sums of money, or balances, aforesaid, shall be thenceforth for ever barred and excluded from all claim, right or title thereto, and to every part and parcel thereof, and from any benefit or advantage which could or might have been obtained, by, from or under the said recited act; and all such sum and sums of money, or balances, and the right and claim thereto, shall thence become and be for ever forfeited and cancelled.*

Balances when forfeited.

Passed 6th March, 1793.—Recorded in Law Book No. V. page 57.

## CHAPTER MDCXLIX.

**An ACT** directing the sale of certain islands in the river Susquehanna.

WHEREAS it is represented to the General Assembly, that there are certain islands in the river Susquehanna, and the several

(See notes to chap. 1603, vol. 2, page 240-1.)

1792. branches thereof, the property of this commonwealth, and it appears convenient to dispose of the said islands :

SECT. I. *Therefore be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That upon application made by any person to the Land-Office for a warrant of survey, to cause any island lying in the river Susquehanna, or in any of its branches, so far as such branches have been declared public highways, to be surveyed for the use of such applicant, it shall be lawful for the officers of the Land-Office, and they are hereby directed to issue such a warrant, upon the conditions, and under the restrictions and limitations hereinafter mentioned : *Provided, however,* That no such warrant shall issue, directing any of the aforesaid islands to be surveyed, which has been surveyed and returned in the Surveyor-General's office, for the use of the late proprietaries, prior to the fourth day of July, one thousand seven hundred and seventy-six.

SECT. II. *Be it further enacted by the authority aforesaid,* That when any person shall apply, as aforesaid, for any such island, he shall state whether any improvement has been made upon the same ; and if any improvement has been made, he shall also state the nature of such improvement, and when, and by whom, made ; and no warrant shall issue, directing any island thus improved to be surveyed, except in favour of the person who has made such improvement, or in favour of his heirs or assigns, for the term of two years after the passing of this act ; after the expiration of which term, warrants of survey may issue for such improved island, in favour of such person or persons who shall first apply for the same ; and if any such warrant shall issue otherwise than aforesaid, it shall be deemed to have issued by surprise, and shall be of no avail in law, and the monies paid for the same shall be forfeited for ever to the commonwealth.

SECT. III. *Be it further enacted by the authority aforesaid,* That any such person, who may claim any such island or islands by virtue of his improvement, or of any other right, may enter a caveat, in the usual form, against any person or persons claiming the same, which caveat or caveats shall be decided upon by the board of property, in the same manner as in other cases where the said board have power to judge and determine.

SECT. IV. *Be it further enacted by the authority aforesaid,* That the board of property shall, with the approbation of the Governor, ascertain the just value of the islands, whether improved or not, that may be applied for as aforesaid, having regard to the soil, wood, and distance from the main land, and to the advantages that may be derived from the same in regard to fisheries : *Provided,* That the lowest price by them fixed shall not be less than eight dollars by the acre.

SECT. V. *Be it enacted by the authority aforesaid,* That no warrant of survey shall issue for any of the said islands, unless the same is susceptible of cultivation, nor to any person whatever, unless he shall have paid the whole amount of the purchase money to the Receiver-General of the Land-Office ; nor shall any such warrant

On application  
warrant to be  
issued to survey  
islands in the  
Susquehanna.

*Provided.*

Applicant  
to state his  
improvement.

Improvement  
to have the  
preference  
for a certain  
time.

Otherwise  
the warrants  
to be void  
&c.

Caveats may  
be entered  
in the usual  
form.

The islands  
have to be  
valued, &c.

How war-  
rants for  
islands must  
be paid, &c.



issue for any less quantity of land than the whole of any such island; and all sand-bars and islands, not susceptible of cultivation, and not surveyed and returned into the Surveyor-General's office, for the use of the late proprietaries, prior to the fourth day of July, one thousand seven hundred and seventy-six, shall be and remain common highways for ever. 1793.

When islands, &c. are excepted.

SECT. VI. *Be it further enacted by the authority aforesaid, That* when the purchaser shall have made full payment of all the purchase-monies of any such islands, it shall be lawful for the Governor to grant him a patent, in the usual form of the Land-Office, vesting the same in him, his heirs and assigns, for ever.

When patents to be granted, &c.

SECT. VII. *Be it further enacted by the authority aforesaid, That* nothing in this act contained shall be construed or taken to bar or defeat any person or persons, bodies politic or corporate, of any just right, which he or they may have in or to any of the said islands: but that all and every such right shall be and remain of the like force and effect, as if this act had not been made.

This act shall not affect any existing rights to the islands.

Passed 6th March, 1793.—Recorded in Law Book No. V. page 55.

## CHAPTER MDCL.

*A SUPPLEMENT to an act, declaring Little Lehigh and Poco Poco, or Big creek, in Northampton county, public highways.*

[Original act, Chap. 1612, ante, pa. 70.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* Poco Poco, or Big creek, in Northampton county, is hereby declared a public highway, from the falls thereof, inclusive, up to Jan Sherbantie's mill dam.

Part of Poco Poco, or Big creek declared a highway.

SECT. II. *And be it further enacted by the authority aforesaid, That* the owner or owners of the lands on the part of said creek hereby declared a public highway, who were, before the passing of this act, entitled to erect a dam or dams on the same, shall have liberty to erect a dam or dams across the said creek, and to maintain and keep the same in good repair for ever: *Provided always, That* the said owner or owners for ever do maintain and keep in good order, in a convenient part of said dam or dams, an opening of at least twenty-five feet wide, with a sloping way, through which rafts may at all times safely and conveniently pass: *And it is hereby expressly enacted and declared, That* if the provisions and limitations before mentioned are not at all times duly attended to and observed by the said parties, respectively, then this enacting clause shall be void, and of no effect to the party or parties so neglecting, any thing herein contained notwithstanding.

Who may maintain dams across the creek;

and on what conditions.

Passed 5th March, 1793.—Recorded in Law Book No. V. page 55.

## CHAPTER MDCLIII.

*An ACT to enable the Governor of this commonwealth to incorporate a company, for the purpose of promoting the cultivation of vines and for other purposes therein mentioned.*

[COMMISSIONERS appointed, and proceedings regulated for receiving subscriptions for the company for cultivating the vine.

1793. When five hundred shares are subscribed, the Governor to incorporate the company by the name and style of "The President, Managers and Company, for promoting the cultivation of Vines." President and Managers when and how to be chosen; no person to have more than twenty votes. The stock to be transferable, penalty for default in payment of the subscription money. The corporation limited to twenty years, and to proceed to cultivate vines within three years from the date of this act, or privileges to cease.]

Passed 22d March, 1793.—Recorded in Law Book No. V. page 56. (g)

(g) Other commissioners appointed to receive subscriptions by a supplement passed 13th January, 1794, (chap. 1694.)

By act passed 7th March, 1800, (chap. 2110.) The act in the text is revived and amended; other commissioners are appointed. The company to proceed to cultivate vines five years after they shall be incorporated, or charter may be resumed, otherwise to continue for twenty years from the date of their charter.

By a supplement to the act of revival, the subscription money may be paid by instalments.

By act of 31st of March, 1806, (chap. 2719,) a lottery was authorized to raise money to pay the debts of the company and promote the object of the association. And, by a supplement passed 23d December, 1808, new commissioners of the lottery were appointed, and the Governor empowered to supply vacancies.

## CHAPTER MDCLIV.

*An ACT for erecting the township of Mifflin, and part of St. Clair township in the county of Allegheny, into a separate election district, and for other purposes.*

WHEREAS the inhabitants of the township of Mifflin, and part of St. Clair township, in the county of Allegheny, have, by their petitions, set forth, that they labour under great inconveniences, on account of the distance they live from the place of holding their annual election, and also the difficulty of crossing the Monongahela river: For remedy whereof,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Mifflin township, and part of St. Clair township, in the county of Allegheny, beginning at the mouth of Beck's run, on Monongahela river; thence up said river to James Perry's ferry; thence, by Washington county line, to Chartier's creek; thence down said creek, to the house of John Bell; thence, in a direct line, by the house of Nicholas Bausman, to the place of beginning; shall, from and after the passing of this act, be erected into a separate election district in the county aforesaid, called the fifth district in said county; and the freemen of the said fifth district, hereby erected, shall hold their annual elections at the house lately occupied by John Reed, stone-mason, in Mifflin township, any law to the contrary notwithstanding.*

SECT. II. *And be it further enacted by the authority aforesaid, That where any township or townships within this commonwealth hath or have been, or hereafter shall be divided, in forming any election district, the taxable inhabitants within each part of such divided*

The fifth election district in Allegheny county erected.

How inspectors shall be chosen in certain cases.



township and townships, respectively, shall choose an inspector, who shall, within the part for which he is chosen, perform all and singular the duties to the office of inspector belonging; and in order thereto, the commissioners of the proper county shall furnish the inspector and inspectors, so chosen, with a list of the taxable inhabitants within such divided township and townships, for which they are respectively chosen. 1793.

Passed 22d March, 1793.—Recorded in Law Book No. V. page 61.

## CHAPTER MDCLV.

*An ACT to provide for distributing the laws of the United States, and certain laws of the commonwealth, and for re-printing the provincial and state laws, passed prior to the second day of October, one thousand seven hundred and eighty-one*

SECT. V. *BE it further enacted by the authority aforesaid, That* the copies of the laws of this commonwealth, and of the United States, which, by this act, are directed to be distributed amongst the Justices of the peace, and the Aldermen of the city of Philadelphia, shall be delivered to the Prothonotaries of the several counties, and to the Clerk of the Mayor's Court respectively, and by them delivered to the said Justices and Aldermen, who shall give a receipt for the same, in which receipt a clause shall be inserted, obliging them, respectively, to deliver over the said copies to their successors in office. The copies to whom deliverable.  
Justices, &c. to deliver their copies to their successors.

Passed 22d March, 1793.—Recorded in Law Book No. V. page 61.

[The residue of this act is obsolete.]

## CHAPTER MDCLVI.

*An ACT to incorporate the subscribers to the Bank of Pennsylvania.*

WHEREAS the establishment of a bank, upon a foundation sufficiently extensive to answer the purposes intended thereby, and at the same time upon such principles as shall afford adequate security for an upright and prudent administration thereof, will promote the regular, permanent and successful operation of the finances of this state, and be productive of great benefit to trade and industry in general: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly-met, and it is hereby enacted by the authority of the same, That* a bank of Pennsylvania shall be established at Philadelphia, the capital stock whereof shall not exceed three millions of dollars, and shall be divided into shares of four hundred dollars; and the subscriptions towards constituting the said stock shall, on the third day

The capital stock of the bank of Pennsylvania.

1793.

Subscription,  
where and  
when to be  
opened,

of June next, be opened at Philadelphia for two thousand shares, at Lancaster for three hundred shares, and at Reading for two hundred shares, under the superintendence of Samuel Howel, John Barclay, Clement Biddle, John Ross, Edward Fox, John Swanwick and George Meade, at Philadelphia; of Edward Hand, Robert Coleman, George Ross, Adam Reigart and Casper Shaffner, at Lancaster; and of James Deimer, Joseph Heister, James May, Jacob Bower and Thomas Dundas, at Reading; and a majority of the said commissioners, at the places above mentioned respectively, shall be sufficient to perform the duties of their appointment; and they shall keep the subscription open for at least the term of three days, and, if not completed at the expiration of that term, then they shall keep the same open until the number of shares, at the places above mentioned respectively, shall be subscribed for, and no longer; but if the subscription shall be filled at any time before the expiration of the said term of three days, then, and immediately after the same shall be so filled, no person, co-partnership, or body politic, shall, during the remainder of the term aforesaid, be permitted to subscribe for more than two shares. *And it is hereby expressly enacted,* That all the subscriptions, and the shares obtained in consequence thereof, shall be deemed and held to be for the sole and exclusive use and benefit of the persons, co-partnerships, or bodies politic, respectively, subscribing, or in whose behalf the subscriptions respectively shall be declared to be made, at the time of making the same; and all bargains, contracts, promises, agreements and engagements, in any wise contravening this provision, shall be void; and the persons, co-partnerships, or bodies politic, respectively, so subscribing, or for whose use the subscriptions shall be declared to be made as aforesaid, shall have, enjoy and receive the share and shares respectively in consequence thereof obtained, and all the interest and emoluments thence arising, as freely, fully and absolutely, as if they had severally and respectively paid the consideration therefor, any such bargains, contracts, promises, agreements or engagements, to the contrary thereof in any wise notwithstanding. *Provided however,* That no subscription shall be received at Lancaster and Reading during the two first days appointed for receiving the same, except in the name of a person or persons residing in some part of the state, other than the city and county of Philadelphia.

Shares subscribed for  
to be deemed the property  
of the subscribers.

Proviso, as  
to subscriptions  
at Lancaster and  
Reading.

Regulations  
respecting  
subscriptions.

SECT. II. *And be it further enacted by the authority aforesaid,* That it shall be lawful for any person, co-partnership, or body politic, in person, or by attorney, to subscribe for a share, or any number of shares not exceeding thirty, in any one day (except in the case above provided for, and except also as shall be herein after directed relatively to the state of Pennsylvania, and the bank of North-America); but in case the amount of the subscriptions, in any of the places above mentioned, shall exceed the number of shares there allowed to be subscribed, the excess thus created shall be reduced within the number of shares authorized to be subscribed at such places respectively, in the manner following, that is to say; from the subscription and subscriptions highest in amount, the proper commissioners shall subtract a share or shares, until the same



be made equal to the subscription or subscriptions next highest in amount; and, as often as the case shall require, they shall so proceed to subtract a share or shares from the subscription and subscriptions remaining from time to time highest in amount, until the aggregate of all the subscriptions be reduced to the number of shares authorized to be subscribed at the places above mentioned, respectively; and if, by and after the operation of such subtraction (as often as the same shall be necessarily made and repeated as aforesaid,) a greater number of shares may be allowed to one or more of the subscribers than to the rest, or if the number of subscriptions shall eventually be greater than the number of shares authorized to be subscribed at the places above mentioned, respectively, so that at least one share cannot be allowed to each and every subscriber, then, and in either of the above cases, the proper commissioners shall ascertain, by lot in whom the greater number of shares, or the right of subscribing for and retaining one share (as the case may be,) shall be vested; and the person and persons, in whose favour the lot may thereupon fall, shall be deemed, to all intents and purposes, the lawful subscriber and subscribers for such share and shares, respectively; and the amount of the share and shares subscribed for (except in the case of the state of Pennsylvania, herein after mentioned,) shall be paid by the several and respective subscribers in gold or silver, or in bank notes equivalent thereto, one half thereof to the proper commissioners, at the time of subscribing, and the other half thereof in six months thereafter, to the directors of the bank for the time being: *Provided always*, That it shall be lawful for any subscriber to pay the whole of his subscription money, or any greater part thereof than is hereby required, before the time above limited for the payment of the same; and each and every subscriber, so paying in advance, shall draw a proportional dividend on the profits and emoluments of the bank, computing said dividend from the first day of the month next succeeding such payment.

SECT. III. *And be it further enacted by the authority aforesaid*, That the subscribers to the said bank, their successors and assigns, shall be, and are hereby created and made a corporation and body politic, in law and in fact, by the name and style of "The President, Directors and Company of the Bank of Pennsylvania," and shall so continue until the fourth day of March, one thousand eight hundred and thirteen,\* and no longer; and by the name and style aforesaid, they shall be, and are hereby made able and capable in law to have, purchase, receive, possess, enjoy and retain, to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects, of what kind, nature or quality soever, to an amount not exceeding in the whole five millions of dollars, including the amount of the capital stock aforesaid, and the same to sell, grant, demise, alien, or dispose of; to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in courts of record, or any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter and renew, at their pleasure; and also to ordain, establish, and put in execution such by-laws, ordinances and regulations, as shall seem

1793.

Subscription money may be paid before the time limited.

The subscribers to the bank incorporated.

The powers and privileges of the corporation. \* [Continued for 20 years from 4th of March, 1813, see note.]

1793.

necessary and convenient for the government of the said corporation not being contrary to the constitution and laws of this state, or of the United States; and for the making whereof general meetings of the stockholders shall and may be called by the directors, in the manner hereinafter specified; and, generally, to do and execute all acts, matters and things, which a corporation or body politic in law may or can lawfully do and execute; subject to the rules, regulations, restrictions, limitations and provisions herein after prescribed and declared.

Twenty-five directors to be chosen annually; six by the Legislature, and nineteen by the stockholders.

SECT. IV. *And be it further enacted by the authority aforesaid,* That for the well ordering of the affairs of the said corporation, there shall be twenty-five directors, citizens of this commonwealth, elected yearly and every year, six of whom shall be elected by the legislature of this commonwealth, that is to say; Three by the Senate, and three by the House of Representatives; which election shall be held during the first session of each General Assembly, in the respective houses of the Legislature, on such days as they shall respectively appoint; and the remaining nineteen directors shall be elected by the stockholders, at a general meeting, to be annually held at Philadelphia on the first Monday of February, for that purpose; and the directors, at their first meeting after each election, shall choose one of their number as president: *Provided*, That the election of directors for the present year shall not be included in the above general regulation, but shall be held at the time and in the manner herein after specified: *And provided*, That in case it should at any time happen that an election of directors should not be made upon any day, when pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day, within ten days thereafter, to hold and make an election of directors, in such manner as shall have been regulated by the laws and ordinances of the said corporation; and that in case of the death, resignation, or absence from the state, of a director, his place shall be filled up by a new choice for the remainder of the year, in manner aforesaid.

Previous, in case the election be not made on the regular day.

Proceedings to elect the directors, when the subscriptions are closed.

SECT. V. *And be it further enacted by the authority aforesaid,* That as soon as the subscription shall be closed and adjusted at Lancaster and Reading, the proper commissioners, appointed at those places shall respectively, transmit and deliver to the commissioners appointed in and for the said city of Philadelphia, a list of the several subscribers at such places respectively, and of the share and shares to each and every subscriber belonging, together with the full amount of subscription money by the commissioners respectively received as aforesaid; for which amount, the receipt, in writing, of the said commissioners appointed in and for the said city of Philadelphia, or of a majority of them, shall be a sufficient acquittance and discharge to the persons respectively paying the same; and as soon as the sum of four hundred thousand dollars, in the manner aforesaid, shall be actually received on account of the subscription to the said capital stock of the said bank, notice thereof shall be given by the said commissioners appointed in and for the city of Philadelphia, or a majority of them, in at least two public gazettes printed in the said city of Philadelphia; and the same persons shall at the



same time, and in like manner, notify a time and place within the said city, at the distance of ten days from the time of such notification, for proceeding to the election of directors; and it shall be lawful for such election to be then and there made, and the nineteen persons, who shall then and there be chosen, together with the six persons, who shall be elected during the present session by the Legislature, that is to say; Three by the Senate, and three by the House of Representatives, in their respective houses, on such day as they shall for that purpose respectively appoint, shall be the first directors, and shall be capable of serving, by virtue of such choice, until the first Monday of February next, or until their successors shall be duly elected in pursuance of this act; and the said directors shall forthwith thereafter commence the operation of the said bank, at the said city of Philadelphia.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the directors for the time being shall have power to appoint such officers, clerks and servants, under them, as shall be necessary for executing the business of the said corporation, and to allow them such compensation for their services, respectively, as shall be reasonable; and shall be capable of exercising such other powers and authorities, for the well governing and ordering of the affairs of the said corporation, as shall be described, fixed and determined by the laws, regulations and ordinances of the same.

Power of the directors to appoint officers.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the following rules, restrictions, limitations and provisions, shall form and be fundamental articles of the constitution of the said corporation, viz.

Fundamental articles.

I. The number of votes to which each stockholder shall be entitled shall be according to the number of shares he shall hold, in the proportions following, that is to say; For one share, and not more than two shares, one vote for each share; for every two shares above two, and not exceeding ten, one vote; for every four shares above ten, and not exceeding thirty, one vote; for every six shares above thirty, and not exceeding sixty, one vote: for every eight shares above sixty, and not exceeding one hundred, one vote; and for every ten shares above one hundred, one vote; but no person, co-partnership, or body politic, shall be entitled, either in his own right, or as proxy, to a greater number than thirty votes; and after the first election, no share or shares shall confer a right of suffrage, which shall not have been holden two calendar months previous to the day of election. All stockholders may vote in elections, on any other question touching the bank, by proxy, provided the proxy be derived directly from such stockholders, and be voted by a person being a citizen of this commonwealth.

Of the ratio of votes for shares.

Who may vote.

Of voting by proxy.

II. Not more than fourteen of the directors elected by the stockholders, and actually in office, exclusive of the president, shall be eligible for the next succeeding year; but the director who shall be president at the time of an election may always be re-elected.

Of a rotation of directors; except the president.

III. None but a stockholder, being a citizen of the commonwealth of Pennsylvania, except in the case of the six directors to be elected by the Legislature during the present session thereof as aforesaid, shall be eligible as a director. No director of any other bank

Who may or may not, be directors.

1793.

shall be, at the same time, a director of this bank; nor shall the governor, the secretary of the commonwealth, any officer in the treasury department, in the offices of accounts, or in the Land-Office of this state, any member of Congress, or any person holding or exercising any office of trust or profit under the United States, be a director of this bank.

Of a compensation to the directors, &c.

iv. No director shall be entitled to any emolument, unless the same shall have been allowed by the stockholders at a general meeting. The stockholders shall make such compensation to the president, for his extraordinary attendance at the bank, as shall appear to them reasonable.

Of a quorum of the directors; and absence of the president.

[Seven directors by act of 13th Feb'y, 1794.]

Of calling a general meeting by stockholders.

v. Not less than [thirteen] directors shall constitute a board, for the transaction of business, of whom the president shall always be one, except in case of sickness, or necessary absence, in which case his place may be supplied by any other director, whom he, by writing under his hand, shall nominate for that purpose.

vi. A number of stockholders, not less than sixty, who, together, shall be proprietors of two hundred shares, or upwards, shall have power at any time to call a general meeting of the stockholders, for purposes relative to the institution, giving at least six weeks notice in two public gazettes of the place where the bank is kept, and specifying in such notice the object or objects of such meeting.

Surety to be given by the cashier.

vii. Every cashier or treasurer, before he enters upon the duties of his office, shall be required to give bond, with two or more sureties, to the satisfaction of the directors, in a sum not less than fifty thousand dollars, with condition for his good behaviour.

What real estate the corporation may hold.

viii. The lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transacting of its business, and such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments, which shall have been obtained for such debts.

Limitation of the debts owing by the bank.

ix. The total amount of the debts, which the said corporation shall at any time owe, whether by bond, bill or note, or other contract, shall not exceed the sum of three millions of dollars, over and above the monies then actually deposited in the bank for safe keeping, unless the contracting of any greater debt shall have been previously authorized by a law of the state. In case of excess, the directors under whose administration it shall happen shall be liable for the same, in their natural and private capacities, and an action of debt may, in such case, be brought against them, or any of them, or their heirs, executors or administrators, in any court of record in this state, or the United States, by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution, any condition, covenant or agreement, to the contrary notwithstanding; but this shall not be construed to exempt the said corporation, or the lands, tenements, goods or chattels of the same, from being also liable for and chargeable with the said excess. Such of the said directors, who may have been absent when the said excess was contracted or created, or who may have

The directors individually responsible for transgressing this article.



dissented from the resolution or act, whereby the same was so contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence or dissent, to the governor of the state, and to the stockholders at a general meeting, which they shall have power to call for that purpose. 1793.

x. The said corporation may sell any part of the public debt of which it may be possessed, but shall not be at liberty to purchase any publick stock whatsoever, except of their own bank stock; provided the number of shares they purchase in again shall be sold out at par, or above it, as the market price may be, whenever opportunity offers to do so with convenience; and provided the said number of shares, so purchased in, shall not exceed at any one time five hundred; nor shall this corporation, directly or indirectly, deal in or trade in any thing, except bills of exchange, gold or silver bullion, or in the sale of goods, really and truly pledged for money lent, and not redeemed in due time, or of goods, which shall be the produce of its lands; neither shall the said corporation take more than at the rate of half per centum per thirty days, for or upon its loans or discounts.

of selling and purchasing the public debt, or the bank stock.

Limitation of the trading of the bank;

and interest on discounts.

xI. No loan shall be made by the said corporation, for the use or on account of the government of the United States, to an amount exceeding fifty thousand dollars, or of any particular state, or of any foreign prince or state, to any amount whatsoever, unless previously authorized by a law of this state.

Of making loans to government.

xII. The stock of the said corporation shall be assignable and transferable, according to such rules as shall be instituted in that behalf by the laws and ordinances of the same.

Of the transfer of stock.

xIII. The bills obligatory, and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees, successively, and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her or their own name or names. And bills or notes which may be issued by order of the said corporation, signed by the president, and countersigned by the principal cashier or treasurer thereof, promising the payment of money to any person or persons, his, her or their order, or to the bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in the like manner, and with the like force and effect, as upon any private person or persons, if issued by him or them in his, her or their private or natural capacity or capacities, and shall be assignable and negotiable, in like manner as if they were so issued by such private person or persons, that is to say; those which shall be payable to any person or persons, his, her or their order, shall be assignable by endorsement, in like manner, and with the like effect, as foreign bills of exchange now are; and those which are payable to the bearer shall be negotiable and assignable by delivery only; and all notes or bills, at any time discounted by the said corporation, shall be, and they are hereby, placed on the

Of the negotiability of the bank paper.

Of notes discounted, &c.

1793. same footing as foreign bills of exchange,\* so that the like remedy shall be had for the recovery thereof against the drawer and drawers, indorser and indorsers, and with like effect, except so far as relates to damages, any law, custom or usage, to the contrary thereof in anywise notwithstanding.

[\* 2 Dallas' Rep. 263.]

Of dividends.

xiv. Half yearly dividends shall be made of so much of the profits of the bank, as shall appear to the directors adviseable; and once in every year, at the meeting to be annually held for the choice of directors, those of the preceding year shall lay before the stockholders, for their information, an exact and particular statement of the general accounts and state of the corporation, and of the debts which shall have remained unpaid, after the expiration of the original credit, for a period of treble the term of that credit, and of the surplus of profit, if any, after deducting losses and dividends. If there shall be a failure in the payment of any part of any sum subscribed by any person, co-partnership, or body politic, the party failing shall forfeit the first payments made to the bank, with any dividend which may have accrued prior to the time of making the second payment, and during the delay of the same.

Of establishing branch banks.

xv. It may be lawful for the directors aforesaid to establish offices at Lancaster, York or Reading, or wheresoever else they shall think fit, within the state, for the purposes of discount and deposit, only, and upon the same terms, and in the same manner, as shall be practised at the bank; and to commit the management of the said offices, and the making of the said discounts, to such persons, under such agreements, and subject to such regulations, as they shall deem proper, not being contrary to law, or to the constitution of the bank: *Provided always*, That no office of discount or deposit be opened in any town or borough of this state, without the previous consent of the corporation of such town or borough: *And provided also*, That the directors shall have liberty to recall and annul the said offices of deposit or discount, if found injurious to the real interests of the incorporation.

General accounts of the bank to be laid annually before the legislature.

[This article repealed, 22d April, 1794, (chap. 1762.)]

xvi. [The legislature shall be furnished annually, at their first session, with statements of the amount of the capital stock of the said corporation, and of the debts due to the same, of the monies deposited therein, of the notes in circulation, and of the cash in hand, and shall have a right to inspect such general accounts in the books of the bank, as shall relate to the said statements: *Provided*, That this shall not be construed to imply a right of inspecting the account of any private individual or individuals, or any body politic or corporate, with the bank.

Of the books to be kept by the bank, &c.

xvii. The directors shall keep fair and regular entries in a book, to be provided for that purpose, of their proceedings; and on any question, where two directors shall require it, the yeas and nays of the directors voting shall be duly inserted on their minutes, and those minutes be, at all times, on demand, produced to the stockholders, when at a general meeting, or to the legislature, or any committee thereof, who shall require the same.

Disabilities of the president and cashier.

xviii. No president or cashier of this bank shall be directly or indirectly concerned in the purchase or sale of any of the public stocks or funds, under the penalty of ten thousand dollars, to be



forfeited, one half thereof to the use of the commonwealth, and the other half to the use of the informer ; nor shall the cashier be allowed to carry on any other business than that of the bank, under the penalty of five thousand dollars.

XIX. A fair and correct list of the stockholders shall be hung up, at least one month before any election of directors, in the common hall of said bank, to the end that public information may be given to the parties concerned of their co-proprietors and stockholders. Stockholders how published before elections.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That if the said corporation, or any person or persons for or to the use of the same, shall deal or trade in buying or selling any goods, wares, merchandizes or commodities whatsoever, contrary to the provisions of this act, all and every person or persons, who shall have given any order or direction for so dealing and trading, and all and every person or persons, who shall have been concerned as parties or agents therein, shall forfeit and lose treble the value of the goods, wares, merchandizes and commodities, in which such dealing and trade shall have been ; one half thereof to the use of the informer, and the other half thereof to the use of the state, to be recovered with costs of suit. Penalty on the corporation's dealing contrary to this act.

SECT. IX. *And be it further enacted by the authority aforesaid,* That if the said corporation shall advance or lend any sum, for the use or on the account of the government of the United States, to an amount exceeding fifty thousand dollars, or of any particular state, or of any foreign prince or state, to any amount (unless previously authorized thereto by a law of the state) all and every person and persons, by and with whose order, agreement, consent, approbation or connivance, such unlawful advance or loan shall have been made, upon conviction thereof, shall forfeit and pay, for every such offence, treble the value or amount of the sum or sums which shall have been so unlawfully advanced or lent, one fifth thereof to the use of the informer, and the residue thereof to the use of the state, to be disposed of by law, and not otherwise. Penalty on making loans to government, contrary to this act.

SECT. X. *And be it further enacted by the authority aforesaid,* That the bills or notes of the said corporation, originally made payable, or which shall have become payable on demand, in gold and silver coin, shall be receivable in all payments to the state of Pennsylvania ; and the public monies of the state, as well as those of any incorporation hereafter constituted by authority of the state, shall be constantly deposited in the bank of Pennsylvania, whenever lying inactive. This state to receive bank notes ; and make deposits.

SECT. XI. *And be it further enacted by the authority aforesaid,* That at any time and times, within the term of four months from and after the passing of this act, the governor shall on behalf and for the use of this state, make, or cause to be made, a subscription to the capital stock of the said bank, to the amount of one million of dollars, and shall make payment therefor in manner following, that is to say ; he shall, by warrant, direct the treasurer to transfer to the president, directors and company of the bank of Pennsylvania, all the public stock of the United States, the property of this state, which shall not be otherwise appropriated by the Legislature during the present session ; and to pay them all the unappropriated Of subscribing to the bank, on behalf of the state. How to be paid.

1793. monies which shall be in the treasury at the time of making such subscription; and the amount of any sum or sums of money necessary to complete the full payment of the said subscription of one million of dollars, he shall borrow (and the right and power of borrowing the same, is hereby expressly stipulated and reserved) from the said bank, at an interest not exceeding the rate of six per centum per annum, to be charged on the fund, and reimbursed in the manner herein after mentioned: *Provided always, and it is hereby further enacted*, That the said public stock shall be received in payment as aforesaid, at the following rates, that is to say; the six per centum stock at the rate of twenty shillings for each and every nominal pound thereof; the three per centum stock at the rate of twelve shillings for each and every nominal pound thereof; and the deferred stock at the rate of twelve shillings and six pence for each and every nominal pound thereof.

Rate of  
public stock  
transferred  
in payment.

The bank  
shall lend  
money to  
the state  
for a loan-  
office;

Limitation  
of the sum  
to be lent.

How the  
loans from  
the bank  
shall be re-  
paid.

SECT. XII. *And be it further enacted by the authority aforesaid*, That the said president, directors and company of the bank of Pennsylvania, shall also loan one other sum of five hundred thousand dollars, at a rate of interest not exceeding the rate of six per centum per annum, to the commonwealth (and the right and power to borrow the same is hereby expressly stipulated and reserved) for the purpose of establishing a Loan-Office, which last mentioned loan shall be charged on the fund, and reimbursed in the manner herein after mentioned: *Provided always*, That the sum so to be borrowed shall not amount to more than the sum paid by the state, in actual specie, towards the said subscription of one million of dollars, at the time of making the loan last aforesaid.

SECT. XIII. *And be it further enacted by the authority aforesaid*, That the said several sums of money, herein before directed to be borrowed from the said bank, shall be payable, and paid, in ten equal annual instalments, the first whereof shall be on the first day of January, in the year one thousand seven hundred and ninety-five, or in any greater sum and sums of money, or shorter period and periods, at the pleasure of the government; and interest shall cease to be chargeable on the amount of each and every payment, from the time of making the same respectively; and all the monies arising from the arrearages of taxes, from the sales of land, and from the payment of the arrearages of the price thereof, which shall be paid into the treasury from and after the first day of January next, shall be, and they are hereby, exclusively appropriated to and for the payment of the said loans, and the interest thereon respectively accruing, according to the instalments aforesaid; and if the monies so appropriated shall not be adequate to the payment of the said loans, and the interest thereon, respectively, then as many of the shares in the said bank, belonging to this state, as may be necessary to supply the deficiency, shall be sold, and applied to and for that purpose.

Unappropri-  
ated mon-  
ies how to  
be applied.

SECT. XIV. *And be it further enacted by the authority aforesaid*, That the governor may, and he is hereby required, from time to time, to draw a warrant or warrants on the state treasurer, in favour of the president, directors and company of the bank of Pennsylvania, for all unappropriated monies, which shall be paid into the treasury before the first day of January next, towards payment of the said loans, or either of them, as he shall deem most expedient to direct.



1793.

[SECT. XV. *And be it further enacted by the authority aforesaid,* That if, within three months from and after the passing of this act, the president, directors and company of the bank of North America shall think proper to relinquish their charter, and to apply to the governor of this commonwealth for permission to subscribe to the stock of the company hereby erected, it shall and may be lawful for the said president, directors and company, so to relinquish their charter, and to become subscribers to the bank of Pennsylvania to any amount, not exceeding two thousand shares, upon the like terms of payment, as is herein before directed with respect to subscribers as aforesaid; and such subscriptions shall be and remain to the use of the stockholders of the said bank of North America, respectively and individually, according to their respective shares therein: *Provided always nevertheless,* That for the liquidation and settlement of all the past transactions and accounts of the said bank of North America, the corporate powers thereof shall be and remain as effectual, to all intents and purposes, as if the charter of the said bank had not been so relinquished, any thing in this act to the contrary thereof in any wise notwithstanding; *Provided,* That if the said president, directors and company of the bank of North America shall not, within three months after the passing of this act, relinquish their charter, and subscribe the said number of shares to the bank of Pennsylvania, in manner aforesaid, it shall and may be lawful for the president and directors of the bank of Pennsylvania to open subscriptions at the city of Philadelphia, for the said or any less number of shares, first giving twenty days notice in two or more of the daily papers printed in the said city; and the said subscription shall be kept open for three days at least; but no person or persons, bodies politic or corporate, shall subscribe for more than five shares in any one day, before the last of the said three days; and if the said two thousand shares shall not be subscribed for before the last of the said three days, then any person or persons, bodies politic or corporate, may subscribe for whatever number of shares may then be unsubscribed for; and the said two thousand shares, or such part thereof as shall be so subscribed for, shall be paid for in two equal payments, the one at the time of making such subscription or subscriptions, the other in six calendar months thereafter: And in case any subscriber or subscribers shall neglect to pay the second payment herein mentioned, he, she or they shall forfeit the first payments made to the bank, with any dividend which may have accrued prior to the time of making the second payment, and during the delay of the same: *Provided always, and it is the true intent and meaning of this act,* That no subscription shall be opened for the said two thousand shares, or any part thereof, unless the shares actually subscribed for, exclusive of the shares which may belong to this state, shall before amount to two thousand five hundred, as mentioned in the first section of this act.]

The bank of North America, to be admitted on relinquishing their present charter.

[Obsolete.]

Of the bank of North America does not subscribe, a subscription may be opened to the amount of their capital.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That the seven commissioners appointed by the first section of this act, for the receiving of subscriptions in the city of Philadelphia, shall immediately provide, in the said city, a proper house for the carrying on of the business of the bank, together with all necessary pa-

A house to be provided for the bank.

1793. } per, stationary, vaults, and utensils suitable to the same, so that, as soon as the directors are chosen, the operations of the bank may be immediately, and without loss of time, prosecuted and carried into effect. (h)

Passed 30th March, 1793.—Recorded in Law Book No. V. page 64.

(h) The 11th and 14th sections of this act were explained by an act passed 11th of April, 1793, (chap. 1677,) directing in what manner the monies should be drawn out of the treasury, for the payment of the state's subscription and repayment of the loans from the bank. This explanatory act, is, of course obsolete.

By act of 13th Feb'y, 1794, (chap. 1736.) So much of the 5th article of the 7th section of the act in the text as requires the attendance of thirteen directors of the said bank to perform the business of discounting, is repealed; and seven directors shall constitute a board for the purpose of transacting the discount business of the bank of Pennsylvania.

By act of 22d of April, 1794, (chap. 1762,) the 16th article of the 7th section is repealed; *Provided*, That the president and directors of the said bank, on the requisition of the legislature, shall furnish statements of the amount of the capital stock of the said corporation, and of the debts due to the same of the monies deposited therein, of the notes in circulation, and of the cash in hand; and the legislature shall have a right, by joint committee, to inspect such general accounts in the books of the bank, as shall relate to the said statements; *Provided always*, That this shall not be construed to imply a right to inspect the accounts of any private individual or individuals.

By the 11th section of an act passed 4th April, 1796, (chap. 1891.) All the deposits of the monies of this state, which shall be made in the bank of Pennsylvania, shall be in the name of this commonwealth, and shall be drawn out of the same by the state treasurer only.

By act of 13th Feb'y, 1799, (chap. 2007.) The bank was empowered to make a loan to the United States, and the proceedings therein directed.

A loan to the state by the bank, of \$100,000 was authorized by act of 11th April, 1799, (chap. 2082,) and provision therein made for its repayment.

A provisional loan to the state of \$20,000 authorized by act of 23d Feb'y, 1801, (chap. 2185.)

Other loans authorized by act of 4th April, 1803, (chap. 2384,) and provision made for the repayment thereof

and certain stock of the United States pledged for that purpose.

By an act passed 14th Feb'y, 1810. The act in the text, with the supplements, was continued for twenty years from and after the 4th March, 1813. *Provided*, that the governor shall be allowed by the corporation to subscribe *at par*, on behalf of the commonwealth for one thousand two hundred and fifty shares, reserved in the bank, at any time after passing this act, and for the same number of shares aforesaid, *at par*, at any time after the expiration of ten years from and after the 4th of March, one thousand eight hundred & thirteen.

All notes or obligations of the bank of Pennsylvania, issued at its branches shall be payable at the said bank, as well as at the branch where they were issued.

The bank is authorized to lend to the United States, any sum not exceeding five hundred thousand dollars, &c.

The stock of the corporation shall not be assignable or transferable to any person except citizens of the United States after 4th March, 1810.

If any note or bill drawn or accepted, payable and discounted at any office of discount and deposit, which now is, or may hereafter be established by the said corporation, shall be sent to be protested for non payment, the notary public, or other proper officer, shall leave notice thereof at the office of discount and deposit aforesaid, at which such note or bill has been made payable, and such notice shall be considered the legal notice of protest, any law or usage to the contrary notwithstanding.

By act of 20th March, 1810. The stock of the state in this bank was pledged for certain purposes, &c.

And whenever the money in the treasury shall exceed thirty thousand dollars, the governor is required to vest the surplus in subscriptions of stock in the bank of Pennsylvania, under the privileges reserved by the act of 14th Feb'y, 1810. *Provided*, that no investment be made at any one time, of a less sum than five thousand dollars. And it shall be the duty of the secretary of the commonwealth to give information to the legislature, from time to time, of the investments made in pursuance of this act.

See titles "Penal Laws," "Forgery," "Bank Notes," in the general index.



## CHAPTER MDCLVIII.

1793.

An **ACT** to appoint and authorize trustees to build a court-house, and offices for preserving the records of the county of Dauphin, on the lot of land laid out for that purpose in the borough of Harrisburgh, and to appropriate the money now in the treasury of the said county, with the emoluments of the Harrisburgh ferry, to discharge the expenses thereof.

**WHEREAS** the emoluments of the Harrisburgh ferry have lain for several years unappropriated, and the inhabitants of the county of Dauphin, as well as those of the said borough, by their petitions, have requested that the same may be applied to the building a court-house, and offices, for securing the records of the county, until they may be completed: Therefore,

**SECT. 1.** *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* John Kean, Henry Baylor, and Valentine Hummel, the present commissioners of the county of Dauphin, and their successors, the commissioners of the said county for the time being, be, and they are hereby, invested, in trust for public use, with the right and title to the ferry and ferry-lot, with all and every of the appurtenances thereunto belonging, heretofore known by the name of Harris's ferry, which the late John Harris, deceased, did, in his life-time, convey to Jacob Aul, Andrew Stewart, James Cowden, Joshua Elder and William Brown, in trust for public use; and they, the commissioners of Dauphin county aforesaid, are hereby directed and enjoined to lease out the same, from and after the fifteenth day of April next, in such manner, from time to time, as may be most conducive to the public interest.

Harris's ferry vested in trustees for the use of the county of Dauphin.

§ 2. [The county commissioners authorized to settle the accounts of the former trustees. *Obsolete.*]

§ 3. [The trustees authorized to procure materials, and erect the public buildings. § 4. Trustees authorized to draw warrants on the treasurer of the county for the amount, &c.—§ 5. To settle their accounts annually, when required—and § 6. penalty on trustees for neglect of duty.] (*i*)

Passed 5th April, 1793.—Recorded in Law Book No. V. page 80.

(*i*) The whole of this act, except the first section, is now obsolete; its objects having been effected.

## CHAPTER MDCLIX.

An **ACT** to authorize John Walker to erect a wing-dam on the Conedogwinet, in the county of Cumberland.

[Supplement to this act, post. chap. 1795.]

[**THE** dam to extend not more than half way across the said creek; *Provided*, That the said John Walker, his heirs or assigns, in erecting the said wing-dam, or in keeping the same in repair,

1793. shall not thereby in any degree injure or impede the navigation thereof.]

Passed 5th April, 1793.—Recorded in Law Book No. V. page 78.

## CHAPTER MDCLX.

*An ACT to grant relief to certain persons, late officers and soldiers in the Pennsylvania line, whose tracts of donation lands are ascertained to be within the state of New-York, on running the boundary line of this state, and for other purposes therein mentioned.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted, by the authority of the same, That the officers of the Land-Office shall forthwith proceed and ascertain by lot, a sufficient number of lots, corresponding in the number of acres to the several lots of donation lands which have been drawn by a number of persons, late officers and soldiers in the Pennsylvania line, in the army of the United States, which are found to lie within the territory and jurisdiction of the state of New-York, by running the boundary line between the said state and this commonwealth; and the several persons, whose donation lots have fallen within the state of New-York as aforesaid, who have applied and drawn for their priority of choice, agreeably to the manner prescribed by the Governor, shall be entitled to choose a lot or lots, containing a like quantity of acres with the lot or lots they may have lost, out of any of the lots drawn as aforesaid; and all persons who were entitled to the benefit of the act, entitled "A supplement to the act, entitled "An act for directing the mode of distributing the donation lands promised the troops of this commonwealth," passed the thirtieth day of September, one thousand seven hundred and ninety-one, who have not applied before the first day of July, one thousand seven hundred and ninety-two, and drawn for their priority of choice, shall severally be entitled to make choice of a lot or lots, containing a like number of acres with the lot or lots they may have lost, as they shall apply for the same; and on such choice being made, patents shall issue in the usual form, in the name or names of such persons aforesaid, their heirs, executors, administrators or assigns, without any charge or fees: *Provided, That they, their heirs, executors, administrators or assigns, shall previously return the patent or patents formerly granted to them for donation land which have so fallen within the state of New-York, in order that the same may be cancelled, by release to the commonwealth, and also upon their giving a quit claim for any compensation they may be entitled to, on account of any supposed loss, and not otherwise.**

[SECT. II. *And be it further enacted by the authority aforesaid, That the officers of the Land-Office, after having drawn a sufficient number of lots to indemnify the officers and soldiers aforesaid, shall proceed and draw lots for every person entitled to donation lands, who have not received the same, as they shall apply therefor, agree-*

[See notes to chap. 1128, vol. 2, page 290.]

Modes of indemnifying persons whose donation lands fell in New-York.

Former patents to be returned.

Lots to be drawn for all other persons entitled.  
(Obsolete.)



ably to the list submitted by the Comptroller-General to the Supreme Executive Council, and issue patents for the said lots, agreeably to the second section of an act, entitled "A supplement to the several acts of the General Assembly of this commonwealth, for distributing the donation lands promised to the troops of this state," passed the sixth day of April, one thousand seven hundred and ninety-two, any thing in this act, or any law of this commonwealth to the contrary in any wise notwithstanding.]

1793.

Passed 5th April, 1793.—Recorded in Law Book No. V. page 79.

## CHAPTER MDCLXI.

*An ACT to authorize and empower Richard Keys, and others, to lead off and use part of the waters of the Susquehanna, on their lands adjoining the Conewago Falls.*

[RICHARD KEYS, Thomas Bailey, John Grier, and James Hopkins, proprietors of the lands adjoining the Conewago Falls, on the eastern side of the river Susquehanna, in the county of Lancaster, their heirs and assigns, are authorized and empowered, to lead off and use the waters of the said river on their lands aforesaid, for the supply of such water-works as they may see fit to erect thereon, and to raise such dam or dams in parts of the stream of the said river, and to remove such obstructions therein as may be necessary to effect the purposes aforesaid, provided they do not injure the navigation of the said river.]

Passed 5th April, 1793.—Recorded in Law Book No. V. page 79.

## CHAPTER MDCLXV.

*A further SUPPLEMENT to the act, entitled "An act to provide for the support of the government of this commonwealth."*

WHEREAS it is proper and necessary to provide a reasonable and adequate compensation for those who are and shall be employed in the service of the public: Therefore,

(Original act, chap. 1563, ante. page 26.)

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the public officers hereinafter mentioned shall, respectively, be entitled to receive of this commonwealth, as a further compensation for their services in such office, the annual salaries and daily appointments herein after mentioned, that is to say; the Speaker of the Senate, and the Speaker of the House of Representatives, respectively, the sum of one dollar per diem, for every day they shall attend their respective duties, in addition to the sum allowed them by the act, to which this is a further supplement; the members of the Senate and House of Representatives, respectively, the further sum of one dollar per diem, in addition to the sums heretofore al-*

Compensation of the Speakers and Members of the Legislature;

1793. lowed them by law; [the Presidents of the Courts of Common Pleas, when attending the High Court of Errors and Appeals, the sum of three dollars, respectively, for every day they shall attend during the session of the said high court, and the sum of three dollars for every thirty miles they shall necessarily travel, in going to and returning from the same;] the Assistant Judges of the Court of Common Pleas of the county of Philadelphia, the sum of one hundred and twenty dollars per annum, respectively, in addition to the sum heretofore allowed them by law; and to the Assistant Judges of the several other Courts of Common Pleas in this state, the sum of sixty dollars, respectively, in addition to the sum heretofore allowed them by law.

and of the Presidents and Judges of the Common Pleas.

(Repealed.)

Commencement of the compensations.

SECT. II. *And be it further enacted by the authority aforesaid,* That the said salaries and allowances, respectively, shall commence from the several periods hereafter mentioned, that is to say; for the Speaker and Members of each branch of the Legislature, from the day of the commencement of the present session of the General Assembly; and for the Assistant Judges of the Courts of Common Pleas, from the first day of January last past.

Passed 8th April, 1793.—Recorded in Law Book No. V. page 106.

## CHAPTER MDCLXVII.

*An ACT to authorize Adam Hamaker to rebuild a mill-dam over Swatara, at the place lately occupied for that purpose.*

[ADAM HAMAKER authorized to build a dam across Swatara creek; provided he shall cause to be made an opening in the said dam, of at least twenty feet wide, and one foot below the top thereof, and a slope from the bottom of said opening, of at least fifteen feet, for every foot of the height of the said opening, with sides of two feet high, and to extend on that slope until it reaches the bottom of said creek; and that the privileges granted to the company incorporated for the purpose of opening a canal and lock navigation from Susquehanna to Schuylkill shall not be infringed, or any way impaired or straitened, by any thing herein contained.]

Passed 8th April, 1793.—Recorded in Law Book No. V. page 84.

## CHAPTER MDCLXIX.

*An ACT to incorporate the Conewago Canal Company.*

SECT. II. *AND be it further enacted by the authority aforesaid,* That the said canal and locks shall be, and the same are hereby declared to be, a public highway, and as such shall be kept and maintained by the said corporation and company, for public use, for ever, so that all persons with boats, rafts, and other suitable vessels, with their freights, may at all seasons, when the navigation of the river Susquehanna and the said canal is not rendered impracticable by ice,

The canal and locks to be established at the Conewago falls declared a public highway, &c.



pass and repass in the same, and use and enjoy the benefit of the said locks, free of toll, and any and every other charge whatsoever; and the said company shall keep and maintain a skilful person for opening and shutting the locks, for assisting the boatmen in their passage through the same.

1793.

SECT. III. *And be it further enacted by the authority aforesaid,* That if any person or persons whatsoever shall, wilfully and knowingly, do any act or thing whatsoever, whereby the said navigation, or any lock, gate, engine, machine or device, thereto belonging, shall be injured or damaged, he, she or they, so offending, shall forfeit and pay to the said company fourfold the costs and damages by them sustained by means of such known and wilful act, together with costs of suit in that behalf expended, to be recovered by action of debt, before any Justice of the Peace, or in any court having jurisdiction competent to the sum due.

Penalty for  
injuring  
the canal,  
or its works.

Passed 10th April, 1793.—Recorded in Law Book No. V. page 88-9. (*k*)

(*k*) It is necessary to retain only the second and third sections of this act, as the company is virtually dissolved.

## CHAPTER MDCLXX.

*An ACT to authorize Simon Snyder, and the heirs of Anthony Selin, deceased, to erect a dam on Penn's creek, in the county of Northumberland, under the limitations and provisions therein prescribed.*

[SIMON SNYDER, &c. empowered to erect a dam across Penn's creek, on condition that they maintain and keep in good order, on the body of said dam, in a convenient part of the same, for rafts to pass through, an opening of at least twenty-five feet wide, the bottom of which shall not be more than twenty inches above the common level of the water below said dam, with a sloping way therefrom, to extend twenty feet down stream before it reaches the bottom of said creek, and also erect, or cause to be erected and kept in good repair, a complete lock of twelve feet wide, through which boats and canoes may at all times safely and conveniently pass; and if the provisions and limitations before mentioned are not at all times duly attended to and observed, then the enacting clause first mentioned, shall be void, and of no effect, any thing herein contained notwithstanding. And it shall and may be lawful, on the complaint of any person or persons to the Judges of the Court of Common Pleas of said county, for them to appoint three commissioners to view said dam, and compare it with the limitations and provisions herein before set forth and enacted, and to report to them, at their next sessions in said county, the state thereof, which report, on oath or affirmation, if it contain an offence committed against this act, shall be sufficient ground of indictment; and upon prosecution to conviction of an offence against this act, or the act declaring that part of Penn's creek a public highway, the

1793. party or parties so convicted, shall be liable to pay a fine, not exceeding fifty pounds, at the discretion of the court.]

Passed 10th April, 1793.—Recorded in Law Book No. V. page 102.

## CHAPTER MDCLXXIII.

*An ACT to enable the Governor of this commonwealth to incorporate a company, for opening a canal and lock navigation on the waters of Brandywine creek.*

[COMMISSIONERS appointed to open a subscription for the Brandywine canal. Proceedings relative to the subscription. 2. Subscribers when to be incorporated, &c. General powers and privileges of the corporation—3. May establish certain canals on Brandywine creek; ground to be first valued and paid. 4. The course of the canal, &c. to be laid before the Legislature. Proceedings thereon. 5. Proceedings to organize the corporation. 6. Meetings of the corporation; powers and proceedings of such meetings. 7. Meetings of the president and managers. Powers and proceedings of such meetings. 8. Certificates of stock, how to be issued, and transferred. 9. Penalty on neglect to pay the proportions of stock. 10. Managers may take materials from the contiguous ground, indemnifying for damages. 11. Managers may purchase lands, &c. for the canal; and proceedings in case the owners will not agree, or are under legal disabilities, by writ, &c. in nature of a writ of *ad quod damnum*. 12. Proceedings in case the canal crosses a road, or divides the ground so as to require a bridge. 13. Proceedings to establish tolls when the canal is perfected.—Amount of tolls, not to exceed six cents a mile, &c. 14. How the size of rafts, and the tonnage of boats, shall be ascertained and marked. 15. Powers of the collectors of tolls. 16. The managers may take security from the officers of the corporation. 17. Duties of the president, managers, &c. How the number of shares may be encreased. 18. Account of tolls to be kept, &c.—Dividends how to be declared. 19. Accounts to be triennially laid before the Legislature; and how the rate of tolls may be encreased, or reduced. 20. Amount of the profits limited, &c. 21. Subscribers not to be incorporated, &c. until the state of Delaware shall pass a similar law to vest the authority in subscribers in that state.—Time within which the work must be commenced; and finished. 22. Power of the managers to extend the canal up the creek.

Passed 10th April, 1793.—Recorded in Law Book No. V. page 92. (1)

(1) The Legislature of Delaware having passed an act corresponding with the act in the text; the time for taking subscriptions was extended and the commissioners directed to return the plan of the canal to the then sitting or next Legislature—by act of 19th March 1794, (chap. 1709.)

But by an act passed 21st Feb'y, 1795, (chap. 1788,) the company was to be incorporated as soon as the state of Delaware should pass an act empowering the subscribers to extend the canal from the line of this state through Delaware state without any diminution of size, &c. until within 30 feet of the



navigable waters of Christiana creek ; ana creek without any additional ex- 1793.  
 and bind the subscribers by said act pense &c. The report of the commis-  
 to provide a mode of carrying goods, &c. sioners of the plan, &c. of the canal, is  
 to and from said tide water of Christi- by this act approved and confirmed.

### CHAPTER MDCLXXIV.

*An ACT to authorize Andrew Pierce, of Allegheny county, to keep in repair a mill-dam, across a part of Monongahela river.*

[ANDREW PIERCE allowed to keep a mill-dam on Monongahela river. A lock to be erected, and a canal opened at or near the dam ; and to be kept for ever in repair, &c.]

Passed 11th April, 1793.—Recorded in Law Book No. V. page 109.

### CHAPTER MDCLXXV.

*An ACT for erecting two separate election districts in the county of Bedford.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the township of Woodbury, in the county of Bedford, shall, from and after the passing of this act, be erected into a separate election district, to be called the seventh district in the county aforesaid ; and the freemen of the said district shall hold their annual elections at the house now occupied by William Hart, in the township and county aforesaid.

The seventh election district erected.

SECT. II. *And be it further enacted by the authority aforesaid, That* the township of Cumberland Valley, in the county of Bedford, shall, from and after the passing of this act, be erected into a separate election district, to be called the eighth district in the county aforesaid ; and the freemen of said district shall hold their annual elections at the house now occupied by Peter Bugh, in the township and county aforesaid, any thing in any law to the contrary notwithstanding.

The eighth election district in Bedford county established.

Passed 11th April, 1793.—Recorded in Law Book No. V. page 149.

### CHAPTER MDCLXXXI.

*A further SUPPLEMENT to the act, entitled "An act to regulate the fisheries in the river Schuylkill."*

[For the original and other acts on this subject, see vol. 1, pa. 235, (chap. 465,) and the note there-to.]

WHEREAS, in order to improve the navigation of the river Schuylkill, dams have been erected therein, by reason whereof the channel in many places has become very narrow and contracted : Therefore,

1793.

Penalty on obstructing the channel of the river Schuylkill.

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That if any person or persons, from and after the passing of this act, shall set up, fix or fasten any kind of hoop-net, or other net or nets, or other device or obstruction whatsoever, across any navigable channel of the river Schuylkill, whereby the fish may be obstructed from going up the said river, or shall, during his or their fishing in the said river, employ any person or persons to obstruct the fish passing up through the said narrow channels, by riding in the same, or beating the water with poles, every such person or persons, so offending, or who shall be aiding or assisting therein, and being thereof convicted before any Justice of the Peace where he or they shall be apprehended, which Justice is hereby authorized to hear, try and determine the same, shall forfeit the sum of sixty dollars for every such offence, to be paid to the informer or prosecutor, or suffer two months imprisonment; saving to the parties, respectively, the right of appeal from the judgment of said Justice to the next Court of Quarter Sessions of the Peace of the proper county, upon condition that he or they give security to prosecute the same to effect.

Owners of fisheries to register the same with the nearest magistrate, &c.

SECT. II. *And be it further enacted by the authority aforesaid,* That the owner or owners of fishing places, or parts used as fisheries, within the said river, shall give a particular description of the same, together with their names, to the nearest magistrate on that side of the river where he, she or they shall dwell, who shall enter the same in a book to be kept for that purpose, for which he shall receive the sum of twenty cents, to be paid by such owner or owners thereof; and the said owner or owners shall moreover, during the fishing seasons, have and keep their names written in legible characters on a board, which shall be affixed at the place of drawing out the seine, and exhibited to full view; and any person or persons neglecting or refusing to give a particular description of his, her or their fishing place, and enter his, her or their names, as aforesaid, with the nearest Justice, as aforesaid, or who shall not exhibit his, her or their names on a board, as is before directed, shall, in either case, forfeit the sum of fourteen dollars, to be paid to the informer or prosecutor of such offence, and to be recovered before any Justice of the county where such offence shall be committed; saving the liberty of appeal to such parties, respectively, as is mentioned in the first section of this act.

Penalty on neglect or refusal to do so.

SECT. III. Whereas disputes have arisen between the owners or superintendants of the several bridges on the river Schuylkill, and the owners or persons having the charge of boats or rafts, which have occasion to ascend or descend the said river, with respect to opening the said bridges for the accommodation of the said boats or rafts: And whereas it is necessary that the causes from which those disputes have proceeded should be removed, as far as may be consistent with the interests of the parties and the public at large: Therefore, *Be it enacted by the authority aforesaid,* That, from and after the passing of this act, the owners or superintendants of the several bridges on the river Schuylkill shall, within one hour after

Bridges on the Schuylkill to be opened for rafts, &c.



an application shall be made to such owners or superintendants by an owner or person having the care or direction of a boat or boats, or rafts, open the same for the passage of such boat or boats, or rafts, without fee or reward. 1793.

Passed 11th April, 1793 —Recorded in Law Book No. V. page 148.

## CHAPTER MDCLXXXII.

*An ACT for extending the benefits experienced from the institution of the Pennsylvania Hospital.*

WHEREAS it appears, from the accounts annually laid before the Legislature, and from other authentic documents, that the institution of the Pennsylvania Hospital hath been extensively useful, not only to the diseased and unfortunate in body and mind, of this state, but to those in like circumstances from other states and countries, and that the limits of the present building are insufficient to receive the number of patients, which, from the increased population of this state, and the intercourse with other states and countries, are daily applying for admission to the benefits of the institution; and from the mode of conduct pursued in the said house by the managers and physicians thereof, the Legislature are firmly persuaded that the grant hereinafter contained will not only meet the approbation of their constituents, but of the friends of humanity throughout the civilized world, to whom a knowledge thereof shall come: And whereas the extending the usefulness of the institution to the further purposes of a lying-in and foundling hospital is deemed to be an object deserving of public encouragement: Therefore,

(See vol. 1,  
page 208,  
chap. 390,  
and the note  
thereto.)

[Grant of twenty-six thousand six hundred and sixty-six dollars and sixty-seven cents to the Pennsylvania Hospital, out of the proceeds of the Loan-Office. Certain securities to be transferred; and certain monies to be paid over to the hospital by the State Treasurer. Mode prescribed for applying the grant, by the erection of additional buildings, &c. Accounts to be rendered annually to the Legislature. Obsolete.]

SECT. IV. And whereas the extension of the buildings of the said Pennsylvania Hospital, hereby provided for, will necessarily increase the expense of maintaining the increased number of patients therein to be admitted, and the benevolence of generous and charitable persons, willing to contribute to the support of the institution, ought to be aided by every means in the power of the Legislature, and it is represented that considerable sums of money have for some time remained in the hands of the commissioners of bankrupts, unclaimed by the persons to whom the same respectively belong, and it will afford an additional security to the persons entitled to the same to place them in the hands of a permanent corporate body, subject to such claims: *Be it therefore enacted by the authority aforesaid,* That the commissioners of bankrupts, appointed by the President of the Supreme Executive Council, or by the Governor of this commonwealth, in pursuance of an act of the General Assembly of Penn-

Duty of the  
commission-  
ers of bank-  
rupts.

1793.

sylvania, passed the sixteenth day of September, one thousand seven hundred and eighty-five, and the acts amending the same, shall, on or before the first day of February next, make out just and true accounts of their administration of the estate and effects of all and every the bankrupts, of whom they have been or are commissioners, containing the neat amount of the produce of each bankrupt's estate and effects, and of the aggregate amount of debts due from each bankrupt, and of the dividend or dividends thereof declared and advertised, and of the time of payment of the same, and of the surplus undivided and remaining in their hands, of each respective estate, and of the creditors to whom they have paid their respective dividends, and of those who have not applied for and demanded the same, and shall certify such accounts, under their hands and seals, or the hands and seals of the major part of the survivors of them, and deliver the same to the Master of the Rolls of the commonwealth, to be recorded in his office, and shall pay the neat amounts of the said unclaimed dividends and surpluses, after the expiration of the term aforesaid respectively, to the treasurer of the contributors to the Pennsylvania Hospital, taking his receipts for the same, and he paying the costs of making out and recording the said accounts, which receipts shall for ever discharge the said commissioners of bankrupts, and the survivors or survivor of them, and his executors and administrators, of and from all claims from the creditors of the bankrupts in such accounts mentioned, for the respective sums therein contained, and paid over for dividends and surpluses; and in lieu of the said commissioners the contributors to the Pennsylvania Hospital shall become, and be and remain, liable to the said non-claiming creditors of such bankrupts, for all and every sum and sums of money by their treasurer received, and contained in such accounts and receipts, whensoever the same shall be lawfully demanded by the respective creditors, their executors, administrators, or assigns: *Provided nevertheless*, That such demand or claim shall be liable to the same limitations, as other debts and demands are by law liable to.

SECT. V. [Penalty on the neglect or refusal of the commissioners of bankrupts to comply with this act. Obsolete.]

SECT. VI. *And be it further enacted by the authority aforesaid*, That as the relief of unfortunate women labouring in child-birth, and not able to provide for the expenses necessarily incident thereto, and also the misfortunes of suffering and forsaken infancy, are objects very deserving of some humane provision, it shall and may be lawful for the managers of the Pennsylvania Hospital to provide commodious apartments, for the purpose of answering the ends intended by a lying-in and foundling hospital, whenever monies shall be placed in their hands for such a purpose, and that they are hereby authorized to call for any such sums as may now be destined for such an use, whenever they shall be in a situation to carry the benevolent design, for which such monies were granted, into full effect, any thing in the constitution or charter of the said hospital to the contrary thereof notwithstanding.

Passed 11th April, 1793.--Recorded in Law Book No. V. page 144.

A lying-in  
and found-  
ling hospital  
to be esta-  
blished, &c.  
Further  
powers of  
the contri-  
butors, &c.



## CHAPTER MDCLXXXIII.

1793.

*An ACT to appropriate certain sums of money for the laying out, opening and improving sundry roads within this commonwealth, and for other purposes therein mentioned.*

SECT. I. [SUNDRY roads to be viewed and laid out.—2. Opened and improved, and bridges erected. 3. Former appropriation differently applied. Obsolete.]

SECT. IV. *And be it further enacted by the authority aforesaid,* That the Governor shall be empowered to make contracts for the opening and improving the roads in this act mentioned, either with individuals, or with companies, and to employ agents of information for that purpose, in the same manner as he could do by virtue of the act, entitled “A supplement to the act, entitled “An act to provide for the opening and improving sundry navigable waters and roads within this commonwealth,” passed on the tenth day of April, one thousand seven hundred and ninety-two; and the monies by this act appropriated shall be paid out of the fund appropriated by law to the improvement of roads for the years one thousand seven hundred and ninety-two, and one thousand seven hundred and ninety-three.

Power of the Governor to form contracts.

The fund for the improvements.

SECT. V. *Be it further enacted by the authority aforesaid,* That so much of the eleventh section of the act, entitled “An act to provide for the opening and improving sundry navigable waters and roads within this commonwealth,” passed the thirteenth day of April, one thousand seven hundred and ninety-one, as directs the annual appropriation of five thousand pounds, from and after the present year, for the purposes mentioned in the said section, be, and the same is hereby, repealed.

Repeal of a former law in part.

Passed 11th April, 1793.—Recorded in Law Book No. V. page 141.

## CHAPTER MDCLXXXIV.

*An ACT to authorize the Governor of this commonwealth to incorporate a company for building a bridge over the river Susquehanna, at or near the Blue Rock, about four miles below Wright's ferry, in the county of Lancaster.*

SECT. I. [PROCEEDINGS respecting subscriptions to build a bridge over Susquehanna. 2. Proceedings to incorporate the subscribers by the name, style and title of “The president, managers and company, for building a bridge over Susquehanna.” 3. Proceedings to organize the corporation. No person to have more than five votes, &c. 4. Meetings of the corporation to be on the first Monday in January, annually. 5. Certificates of the stock, how to be issued and transferred. 6. Meetings of the president and managers; and their powers prescribed. 7. Proceedings in case of default in paying for the shares. 8. Powers of the managers, &c. for taking materials to build the bridge. 9. Managers to keep accounts of receipts and expenditures; which shall be submitted annually to the stockholders; and how the number of shares may be increased.

1793. 10. The property of the bridge vested in the corporation. Tolls to be taken, and amount regulated. The bridge shall not injure the navigation of the river. 11. Of the toll for carriages drawn by oxen. 12. Penalty on demanding greater or other tolls. Proceedings thereupon before a Justice, and appeal from the decision of the Justice. Limitation of suits. 13. Accounts of tolls to be kept. Of dividends. 14. Accounts to be laid before the General Assembly; and how tolls may be increased or reduced.

Passed 11th April, 1793.—Recorded in Law Book No. V. page 111.

## CHAPTER MDCXCII.

*An ACT to annex the township of Letterkenny, in the county of Franklin, to the fifth election district, and to change the place of holding the annual elections of said district, and to unite part of Southampton township to the first district.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the township of Letterkenny, in the county of Franklin, shall be annexed to that part of the fifth election district, consisting of Lurgan township, and that part of Southampton, laying west of the great road leading from Shippensburg to James Findley's, called Loudon Road; and the freemen of said fifth district shall meet, to hold their annual elections at the house now occupied by Andrew Ralston, in the town of Strasburg, in the township of Letterkenny; and that part of the township of Southampton laying east of said road shall be annexed to the first election district; and the freemen thereof shall meet, to hold their annual elections at the court-house in Chambersburgh, any law to the contrary notwithstanding.

Passed 4th September, 1793.—Recorded in Law Book No. V. page 175.

Alterations  
in the fifth  
and first elec-  
tion districts  
of Franklin  
county.



# A C T S

OF THE

## General Assembly of Pennsylvania.

Passed during two Sessions of the Fourth Legislature under the present constitution; the first commencing 3d December, 1793, and ending 22d of April, 1794; the second commencing 1st September, and ending 23d September, 1794.

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THOMAS MIFFLIN, GOVERNOR.

WILLIAM BINGHAM, SPEAKER OF THE SENATE.

GEORGE LATIMER, SPEAKER OF THE HOUSE OF REPRESENTATIVES.

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1794.

### CHAPTER MDCXCVIII.

*An ACT for erecting two election districts in the county of Northampton.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the townships of Macungy and Upper Milford, in the county of Northampton, shall, from and after the passing of this act, be a separate election district, to be called the sixth district in the said county; and the freemen of the said district shall hold their annual elections at the house now occupied by Leonard Slough, in Millerstown, in the township of Macungy aforesaid.

The sixth election district erected.

SECT. II. *And be it further enacted by the authority aforesaid, That* the townships of Heidelberg, Lowhill, Weissembourg, Lynn and Penn, in the county of Northampton, shall, from and after the passing of this act, be a separate election district, to be called the seventh district of the said county; and the freemen of the said district shall hold their annual elections at the house now occupied by Henry Ohl, in Heidelberg township aforesaid, any thing in any law to the contrary notwithstanding.

Seventh election district erected.

Passed 5th February, 1794.—Recorded in Law Book No. V. page 181.

1794.

## CHAPTER MDCXCIX.

An ACT to declare Little Juniata and Standing Stone creeks, in the county of Huntingdon, public highways.

Little Juniata from the mouth to Logan's Narrows, declared a public highway.

SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Little Juniata, in the county of Huntingdon, from the mouth up to the head of Logan's Narrows, shall be, and the same is hereby declared to be, a public highway, for the passage of boats and rafts, under the limitations and restrictions herein after specified; and it shall and may be lawful for the inhabitants, desirous of using the navigation of the said creek, to remove all natural and artificial obstructions, from the mouth thereof up to the head of Logan's Narrows aforesaid, and to erect such slopes and locks at the mill-dams now built, as may be necessary for the passage of boats and rafts; provided such slopes and locks shall be so constructed as not to injure the works of said dams.

Also Standing Stone creek, from its mouth to the mouth of Laurel run.

SECT. II. And be it further enacted by the authority aforesaid, That Standing Stone creek, in the county aforesaid, from the mouth thereof up to the fork or junction of its north branch, or mouth of the Laurel run, near to the house of William M'Alevy, shall be, and the same is hereby declared to be, a public highway, for the passage of boats and rafts, under the limitations and restrictions herein after specified; and it shall and may be lawful for the inhabitants, desirous of using the navigation of the said creek, to remove all natural and artificial obstructions, from the mouth up to its fork or mouth of Laurel run aforesaid, and to erect such slopes and locks at the mill-dams now built on the said creek, as may be necessary for the passage of boats or rafts; provided such slopes and locks shall be so constructed, as not to injure the works of such dams.

Who may erect dams, &c.

How to be kept.

SECT. III. And be it further enacted by the authority aforesaid, That nothing in this act contained shall be deemed, taken or understood, to prevent any person or persons possessing land on the said creeks, or either of them, in the county of Huntingdon aforesaid, who before the passing of this act had authority, under the laws of this commonwealth, to erect a dam or dams, that he, she or they may think proper: *Provided always*, That such dam or dams be so constructed, and kept in repair by the owners thereof, with complete slopes and locks on convenient parts of such dams, as that the navigation for boats and rafts will not be injured thereby.

Passed 5th February, 1794.—Recorded in Law Book No. V. page 182.

## CHAPTER MDCCI.

An ACT to erect the townships of Tinnicum, Nockamixon and Durham, in the county of Bucks, into a separate election district.

SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That



the townships of Tinnicum, Nockamixon and Durham, in the county of Bucks, be, and they are hereby erected into a separate election district, to be called the third election district in the said county; and the freemen thereof are hereby authorized to hold their annual elections at the house now occupied by Jacob Young, in Nockamixon township aforesaid.

1794.  
The third election district of Bucks county.

Passed 5th February, 1794.—Recorded in Law Book No. V. page 183.

## CHAPTER MDCCII.

*An ACT to erect the townships of Quemahoning and Stony creek, in the county of Bedford, into a separate election district.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the townships of Quemahoning and Stony creek, in the county of Bedford, are hereby erected into a separate election district, to be called the ninth district in the county aforesaid; and the freemen of the said district shall hold their annual elections at the house now occupied by Joseph Buck, in Quemahoning township aforesaid.

The ninth election district of Bedford.

Passed 5th February, 1794.—Recorded in Law Book No. V. page 181.

## CHAPTER MDCCIII.

*An ACT declaring Cockalamus creek a public highway.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, Cockalamus creek, in Cumberland and Mifflin counties, from the mouth thereof up to the forks at David Cargil's, shall be, and the same is hereby declared to be, a public highway, for the passage of rafts, under the limitations and restrictions herein after specified; and it shall and may be lawful for the inhabitants, desirous of using the navigation of the said creek, to remove all natural and artificial obstructions, from the mouth thereof up to David Cargil's aforesaid, and to erect such slopes at the mill-dams now built on the said creek, as may be necessary for the passage of rafts; provided such slopes shall be so constructed, as not to injure the works of said dams.

Part of Cockalamus creek declared a public highway.

SECT. II. *And be it further enacted by the authority aforesaid, That* nothing in this act contained shall be deemed, taken or understood, to prevent any person or persons possessing lands on said creek, who before the passing of this act had authority, under the laws of this commonwealth, to erect a dam or dams, that he, she or they may think proper: *Provided always, That* such dam or dams be so constructed, and kept in repair by the owners thereof, with proper

Who may erect dams, &c.

Proviso.

1794. slopes on convenient parts of such dams, so that the navigation for rafts will not be injured thereby.

Passed 5th February, 1794.—Recorded in Law Book No. V. page 183.

## CHAPTER MDCCIX.

[Original  
act, ante. pa.  
114.]

**A SUPPLEMENT** to the act, entitled "*An Act to enable the Governor of this commonwealth to incorporate a company, for opening a canal and lock navigation on the waters of Brandywine creek.*"

**SECT. I.** [THE time for taking subscriptions extended; and for returning a plan.]

Passed 19th March, 1794.—Recorded in Law Book No. V. page 190.

## CHAPTER MDCCX.

**An ACT** to erect the townships of Colebrookdale, Earl district, and Hereford, in the county of Berks, into a separate election district.

The seventh  
election  
district of  
Berks.

**SECT. I.** *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the townships of Colebrookdale, Earl district, and Hereford, in the county of Berks, are hereby erected into a separate election district, to be called the seventh election district; and the freemen of the said district are hereby authorized to hold their annual elections at the house now occupied by Joseph Muthard, in Colebrookdale township aforesaid, any law in any wise to the contrary notwithstanding.*

Passed 19th March, 1794.—Recorded in Law Book No. V. page 189.

## CHAPTER MDCCXI.


**An ACT** to authorize Edward Shymer to erect a dam on the north side of the river Lehigh, in the county of Northampton.

**SECT. I.** [EDWARD SHYMER authorized to erect a dam on the Lehigh.]

Proceedings  
to ascertain  
offences  
against this  
act.

**SECT. II.** *And be it further enacted by the authority aforesaid, That it shall and may be lawful, on the complaint of any person or persons to the Judges of the Court of Common Pleas of the said county, for them to appoint three commissioners, to view the said dam and lock, and to compare them with the limitations and provisions herein set forth and enacted, and report to them, at their next session in the said county, the state thereof, which report, on oath or affirmation, if it contain an offence against this act, shall be sufficient ground of indictment, and upon prosecution to conviction of any offence against this act, or against the act, entitled "An Act*



declaring the rivers Delaware and Lehigh, and parts of Neshaminy creek, as far up as Barnsley's ford, and of the stream called Lechawaxen, as far up as the falls thereof, common highways, and for improving the navigation in the said rivers,"\* passed the ninth day of March, one thousand seven hundred and seventy-one, the party or parties so convicted shall be liable to pay a fine, not exceeding two hundred dollars, at the discretion of the court. 1794. 

\*[Vol. 1, page 322.]

Passed 19th March, 1794.—Recorded in Law Book No. V. page 191.

## CHAPTER MDCCXIII.

*A SUPPLEMENT to the acts of Assembly made for the relief of insolvent debtors.*

**WHEREAS** so much of the laws of this commonwealth made for the relief of insolvent debtors, as authorized and empowered the Justices of the Supreme Court, and the Justices of the Court of Common Pleas of the counties of this state, respectively, to discharge from personal imprisonment all persons, who then were, or thereafter might be held in execution for debt or demand, although the debts and demands to which any such prisoner was liable exceeded the sum of one hundred and fifty pounds to any one of such prisoner's creditors, hath expired by its own limitation: And whereas justice and humanity require that insolvent debtors, who now are, or hereafter shall be, confined in the several gaols of this commonwealth, should be discharged, where presumption of fraud doth not appear, although their debts, respectively, shall exceed the aforesaid sum of one hundred and fifty pounds, to any one creditor: Therefore,

[See vol. 1, page 181.]

**SECT. I.** *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the Justices of the Supreme Court, and the Judges of the several Courts of Common Pleas of this state, respectively, shall have jurisdiction and power to discharge from imprisonment all persons, who now are, or hereafter shall be, imprisoned for debts or demands, although such debts or demands exceed the aforesaid sum of one hundred and fifty pounds to any one creditor, and to grant relief in the premises in the same manner, and upon the same terms, as is directed by the acts of Assembly of this commonwealth made for the relief of insolvent debtors.

Debtors to be discharged whose debts exceed £. 150.

**SECT. II.** And whereas, by reason of the shortness of the terms of April and September, a debtor confined in prison by virtue of process from the Supreme Court of this commonwealth is not, agreeably to the existing laws, enabled to obtain a determination of the said court on his or her petition for the benefit of the laws respecting insolvent debtors, during the court to which such petition is presented, when such petition is exhibited in either of the said terms: *Be it therefore enacted by the authority aforesaid,* That from and after the passing of this act, it shall and may be lawful

Of notice to creditors.

1794. for the Supreme Court of this commonwealth to proceed upon, hear, and determine such petition, so exhibited in either of the said terms, upon such petitioner's giving ten days notice to his or her creditors of the time and place appointed for hearing such debtor, and his or her creditor or creditors.

Passed 3d April, 1794.—Recorded in Law Book No. V. page 193.

## CHAPTER MDCCXV.

*An ACT to authorize the admission of certain persons as witnesses, in cases respecting the settlement of paupers.*

WHEREAS it appears that great inconveniences arise from the non-admission of the testimony, in cases respecting the settlement of paupers, of persons inhabiting either of the townships concerned, in as much as it frequently excludes the best possible light and evidence the nature of the case admits: For remedy whereof,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the Justices of the Peace and the Judges of the several courts within this commonwealth are hereby authorized to admit, in all cases respecting the settlement of paupers, the testimony of every otherwise legal witness, notwithstanding he, she or they may be inhabitants of the city, district, borough, township or townships, concerned.*

Passed 3d April, 1794.—Recorded in Law Book No. V. page 194.

## CHAPTER MDCCXIX.

*An ACT to enable James Wallace and Rudolph Pickel to erect mill-dams on Swatara creek, in the county of Dauphin.*

SECT. I. [JAMES WALLACE and Rudolph Pickel, severally authorized to erect mill dams over Swatara creek.

SECT. II. *Provided, That such dam or dams be so constructed and kept in repair, with a proper slope or slopes, and a lock or locks, whereby the navigation of the said creek will not be injured, nor the passage of fish prevented; and that the rights of all and every person and persons whatsoever shall be and remain inviolate, and shall not be affected by this act, and especially that the privileges granted to the company incorporated for the purpose of opening a canal and lock navigation from Susquehanna to Schuylkill shall not be impaired or infringed by any thing herein contained.]*

Passed 8th April, 1794.—Recorded in Law Book No. V. page 197.

(Vol. 1, page 332.)

Of witnesses for settling paupers.

Dams how to be built.

Proviso.



## CHAPTER MDCCXXI.

1794.

*An ACT for altering an election district, and for erecting two additional election districts in the county of Bucks.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the townships of Springfield, Haycock, Rockhill, Richland and Milford, in the county of Bucks, shall, from and after the passing of this act, be a separate election district, to be called the second election district in the said county; and the freemen of the said district shall hold their annual elections at the house now occupied by Jacob Frees, in Richland township aforesaid.

The second  
election dis-  
trict in  
Bucks.

SECT. II. *And be it further enacted by the authority aforesaid, That* the townships of New-Britain, Plumstead, Buckingham, Warwick, Warrington, Bedminster and Hilltown, in the said county of Bucks, shall, from and after the passing of this act, be a separate election district, to be called the fourth election district in the said county: and the freemen of the said district shall hold their annual elections at the house now occupied by William Chapman, esquire, in Buckingham township aforesaid.

The fourth  
election dis-  
trict in  
Bucks.

SECT. III. *And be it further enacted by the authority aforesaid, That* the townships of Bensalem, Falls and Bristol, and the borough of Bristol, in the said county of Bucks, shall from and after the passing of this act, be a separate election district, to be called the fifth election district in the said county; and the freemen of the said district shall hold their annual elections at the house formerly occupied as a court-house in the borough of Bristol aforesaid; and the freemen of all the rest of the townships in the said county of Bucks, except the townships of Tinnicum, Nockamixon and Durham, which comprehend the third election district, shall continue to hold their annual elections at the court-house in Newtown, and shall be called the first election district, any thing in any law to the contrary notwithstanding.

The fifth  
election dis-  
trict of  
Bucks.

Place of elec-  
tion in other  
townships.

Passed 8th April, 1794.—Recorded in Law Book No. V. page 199.

## CHAPTER MDCCXXII.

*An ACT to declare certain parts of Conococheague creek a public highway.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, Conococheague creek, from Chambersburg to where the Maryland line crosseth the same, shall be, and the same is hereby declared a public highway, for the passage of rafts and boats, under the limitations and restrictions hereinafter specified; and it shall and may be lawful for the inhabitants desirous of using the navigation of said creek to remove all natu-

Conoco-  
cheague,  
from Cham-  
bersburg de-  
clared a  
highway.

1794. { ral obstructions, from Chambersburg to where the Maryland line crosseth the same, and to erect such slopes and locks at the mill-dams now built, as may be necessary for the passage of boats and rafts; provided such slopes and locks shall be so constructed, as not to injure the works of said dams.

Of dams,  
&c.

SECT. II. *And be it further enacted by the authority aforesaid,* That nothing in this act contained shall be deemed, taken or understood to prevent any person or persons possessing lands on the said creek, who, before the passing of this act, had authority under the laws of this commonwealth to erect a dam or dams, shall be prohibited from erecting any such dam or dams that he or she may think proper: *Provided always,* That such dam or dams be so constructed and kept in repair, with a proper slope or slopes, and a lock or locks, whereby the navigation of the said creek will not be injured, nor the passage of fish prevented.

Proviso.

Passed 8th April, 1794.—Recorded in Law Book No. V. page 200.

### CHAPTER MDCCXXIII.

*An ACT to erect an additional election district in Washington county.*

The sixth  
election dis-  
trict of  
Washington  
erected.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the following bounds are hereby erected into a separate election district, to be called the sixth district, beginning at Cross creek, on the state line; thence up the said creek to John Marshall's saw-mill; thence to the meeting house on Buffaloe, known by the name of Smith's; thence by a straight line to Waller's fort, on the road from Washington to Whelen; thence along the said road to the state line; thence along the said state line to the place of beginning; and the freemen of the said district shall hold their annual elections at the house now occupied by Samuel Urie.

Passed 8th April, 1794.—Recorded in Law Book No. V. page 199.

### CHAPTER MDCCXXVI.

*An ACT to repeal so much of an act, entitled "An Act to incorporate the subscribers to the Bank of Pennsylvania," as requires the attendance of thirteen directors to perform the discount business of the said Bank, and to authorize a lesser number to discharge that duty.*

(Ante. pa.  
97.)

WHEREAS it has been represented by the president and directors of the bank of Pennsylvania, in the name and by authority of the stockholders, that great difficulties have occurred in consequence of the fifth article of the seventh section of the act of incorporation, which requires the presence of not less than thirteen directors for the transaction of business, as, from their various and active avocations, they are often prevented from giving punctual and



necessary attendance, by which means the discount business is exposed to suffer, to the inconvenience of the public, and the injury of the institution : 1794.

SECT. I. *Be it therefore enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the fifth article of the seventh section of the act to incorporate the subscribers to the bank of Pennsylvania, as requires the attendance of thirteen directors of the said bank to perform the business of discounting, be, and hereby is, repealed. Repeal of the former law, in part.

SECT. II. *And be it further enacted by the authority aforesaid,* That seven directors shall constitute a board, for the purpose of transacting the discount business of the bank of Pennsylvania. Seven directors a board.

Passed 13th February, 1794.—Recorded in Law Book No. V. page 346.

## CHAPTER MDCCXXIX.

*An ACT to incorporate the subscribers to the Insurance Company of North-America.*

[THE capital stock of the company to be six hundred thousand dollars, divided into sixty thousand shares of ten dollars each share. The funds to be, from time to time vested in certain stock ; and all deposits of money to be in the Bank of Pennsylvania. 2. The company incorporated by the name and style of "The President and Directors of the Insurance Company of North-America," with the usual corporate powers. 3. May hold real estate, not exceeding the yearly value of ten thousand dollars. 4. The election of directors, and filling vacancies prescribed. 5. Ready money to be reserved to pay losses, &c. 6. Directors may appoint officers, servants, &c. 7. The fundamental rules of the company declared. 8. Penalty for banking, or trading, contrary to the provisions of the act. 9. The corporation to continue until 1st January, 1815.]

Passed 14th April, 1794.—Recorded in Law Book No. V. page 205.

## CHAPTER MDCCXXX.

*A SUPPLEMENT to the act, entitled "An act to enable executors and administrators, by leave of court, to convey lands and tenements contracted for with their decedents, and for other purposes therein mentioned."* (Ante. p. 65.)

WHEREAS it some times happens that persons, having contracted for the sale of lands and tenements within this commonwealth, become lunatic, or non compos mentis, before the purchasers are made secure in their titles, whereby the persons, to whom the care and custody of the estates of such lunatics may be committed, are prevented from collecting the purchase money, and the purchasers cannot obtain sufficient titles : For remedy whereof,

1794.

Contracts for  
lands with  
persons  
becoming  
non compos  
mentis,  
how to be  
enforced.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* whenever any contract in writing has been made, or shall be made, for the sale of any lands and tenements within this commonwealth, by any person, who after making the same, shall become lunatic, or non compos mentis, it shall be lawful for the purchaser or purchasers under such contract to proceed to enforce the same against the person and persons, to whom the custody of the estate of such lunatic has been or shall be committed, in like form, and with like effect, and the person and persons having such custody shall have like remedy to recover the purchase money under such contract, as in case of contracts for the sale of lands and tenements, provided for in and by the act, to which this is a supplement.

Passed 14th April, 1794.—Recorded in Law Book No. V. page 347.

## CHAPTER MDCCXXXI.

*An ACT to incorporate the district of Southwark.*

WHEREAS the laws now in force have, in consequence of the improvements in the district of Southwark, become inadequate to the purposes for which they were originally intended: And whereas it is the duty of the legislature, not only to remedy defects which a change of circumstances has created, but also to make such further regulations, as will tend to the advancement of public happiness and public order.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the inhabitants of the district of Southwark, as the same is bounded and described in the act, entitled “An act for erecting the Southern Suburbs of the city of Philadelphia into the district of Southwark, for making the streets and roads already laid out therein public roads and highways, and for regulating such other streets and roads as the inhabitants thereof may hereafter lay out, and for other uses and purposes therein mentioned,\*” be, and they, and their successors for ever, are hereby constituted a corporation and body politic, in fact and in law, by the name and style of “The commissioners and inhabitants of the district of Southwark: and by the same name shall have perpetual succession, and they, and their successors, shall at all times for ever be able and capable in law to have, purchase, take, receive, possess and enjoy lands, tenements and hereditaments, liberties, franchises and jurisdictions, goods chattels and effects, to them, and their successors for ever, or for any other or less estate, and the same lauds, tenements and hereditaments, goods, chattels and effects, to grant, bargain, sell, alien and convey, mortgage, pledge, charge and incumber, or demise and dispose of, at their will and pleasure: *Provided always, That* no sale be made of any of the lands, tenements or hereditaments, except such as hereafter may be acquired, and that no part of the estate be mortgaged or incum-

The district  
of South-  
wark incor-  
porated.

[\* Vol. 1, pa.  
248, chap.  
481, and see  
the notes  
thereto.]

What part  
of its real  
estate may  
not be sold,  
&c.



bered for any sum, exceeding the amount of three years taxes with- 1794.  
in the said district, nor for a longer term than three years.

SECT. II. *And be it further enacted by the authority aforesaid,* Of the quorum to transact business.  
That a majority of the commissioners shall be a quorum for trans-  
acting all business, except for the purchase or sale of real estate,  
for the mortgaging or incumbering of the same, or for borrowing  
any money as aforesaid, for which purposes the concurrence of ten  
members shall be essential; and the said commissioners shall re-  
ceive no pecuniary compensation for their services.

SECT. III. *And be it further enacted by the authority aforesaid,* Of the corporate capacity to sue, &c.  
That the said corporation, by the name and style aforesaid, are, and  
for ever shall be, able and capable in law to sue and be sued, plead  
and be impleaded, answer and be answered unto, defend and be de-  
fended, in all courts of record and elsewhere, in all actions, suits,  
complaints, pleas, causes and matters whatsoever, and to do and  
execute all things that to them, as a body politic and corporate, shall  
and may appertain; and for that purpose shall have and use one and have a common seal.  
common seal, and the same from time to time shall and may, at  
their will and pleasure, change and make anew.

SECT. IV. *And be it further enacted by the authority aforesaid,* Comm'rs when and how to be chosen.  
That it shall and may be lawful for the freemen of the said district,  
who are or shall be qualified, agreeably to the constitution and laws  
of this state, to vote for members to serve in the General Assembly,  
to meet together at the house now occupied by Catharine Fritz, in  
the said district, for the first election, and afterwards at such other  
place as shall be appointed by the commissioners, between the hours  
of ten in the morning and ten in the evening, on the first Monday  
in May next, and then and there to choose, by ballot, out of such  
of the inhabitants of the said district, who, according to the laws  
and constitution of this state, may be members of the House of Re-  
presentatives of this commonwealth, in the manner prescribed for  
choosing members to serve in the said House of Representatives,  
fifteen suitable persons, to serve as commissioners in and for the  
said district; and the five persons who shall have the greatest num-  
ber of votes shall be commissioners for three years next following; Their terms of service.  
and the five persons who shall have the next greatest number of  
votes shall be commissioners for two years next following; and the  
five persons who shall have the next or third greatest number of  
votes shall be commissioners for one year thence next following;  
and that on the first Monday in May, which will be in the year one  
thousand seven hundred and ninety-five, and so on the first Monday  
in May annually for ever, five persons shall be chosen as aforesaid,  
to serve as commissioners in the said district for the term of three  
years: *Provided always,* That no person shall be excluded from Provido.  
the choice of the people, on account of his having before filled the  
office of commissioner: *And provided also,* That in all cases wherein  
the number of votes shall be equal for two or more candidates, the  
preference shall be decided by lot, to be drawn by the inspectors of  
the election.

SECT. V. *And be it further enacted by the authority aforesaid,* Inspectors how to be chosen.  
That all elections to be held in pursuance of this act shall be con-  
ducted by three inspectors, who shall be elected in the same man-

1794.

ner, and at the same place, as the commissioners, on the Saturday preceding the election of the said commissioners, between the hours of ten in the morning and ten in the evening; and each of them shall take an oath or affirmation, before entering on the duties in and by this act enjoined, well and faithfully to discharge the same, according to the best of his skill and abilities.

Elections  
how to be  
conducted.

SECT. VI. *And be it further enacted by the authority aforesaid,* That all elections to be held in pursuance of this act shall be held and conducted, except as in and by this act is otherwise directed, in the same and like manner, as, in and by the laws of this commonwealth, is or shall be directed for holding of the general elections for persons to serve in the House of Representatives, under and subject to the same rules and penalties.

Returns of  
the elections  
how to be  
made.

SECT. VII. *And be it further enacted by the authority aforesaid,* That when each election to be had and held in pursuance of this act shall be closed, and the number of votes for each person shall be ascertained, the judges of the election, as aforesaid, or a majority of them, shall prepare and make, under their respective hands and seals, a return thereof, containing the names of the commissioners elect, with the number of votes in favour of each, and shall, within two days after the closing of each election, give notice in writing to each of the commissioners elect of their respective elections; and shall also deliver, or cause to be delivered, the said return, together with the tickets, lists of names, tally papers, and other documents, sealed up, to the said commissioners elect, for the first election, and at each succeeding election to the commissioners in office, at the times and places in and by this act appointed for them to meet, and receive the same.

The returns  
how deter-  
mined, &c.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the fifteen persons, who shall, at the next election, to be held in pursuance of this act, have the highest number of votes for the office of commissioners, shall meet together, at the house now occupied by Catharine Fritz, between the hours of nine and eleven of the clock in the forenoon of the fourth day next following the said election; and that the five persons, who shall, at every subsequent election, have the highest number of votes for the said office of commissioners, together with the ten commissioners whose time shall not have expired, shall meet together, at such place as may be legally appointed, between the hours of nine and eleven in the forenoon, on the fourth day next following each and every election to be held in pursuance of this act, and shall then and there receive the said returns of commissioners elect, and shall forthwith proceed to examine the same, and to judge and determine thereon. And for that purpose the said commissioners so met, or a majority of them, shall be judges of the said elections, and shall have full power and authority to approve thereof, or to set aside the same, and to order new elections, as the law may require, to be held in the manner herein before directed, and at such times as shall be by them appointed, of which they shall give at least six days previous notice, by handbills, posted up in at least ten of the most public places within the district.

Proceedings  
if rejected.



SECT. IX. *And be it further enacted by the authority aforesaid,* 1794.  
That each and every commissioner, who shall be elected and returned, and whose election shall be approved in manner aforesaid, shall, before he enters on the execution of his said office, take a solemn oath or affirmation, well and faithfully to execute the office of a commissioner of the said district. And shall thereupon without any further or other commission, enter upon the duties thereof, and shall hold and exercise the same for the term for which he shall have been elected as aforesaid.

Commrs  
official qua-  
fications.

SECT. X. *And be it further enacted by the authority aforesaid,* Delinquent  
commrs how  
removeable.  
That if any commissioner of the said district shall misbehave in his said office, or shall fail or neglect well and faithfully to discharge the duties thereof, it shall and may be lawful for any number, not less than ten, of the said commissioners, on the petition and complaint in writing of thirty electors of the said district, fifteen of whom at least shall be freeholders, to remove, in a summary way, any such commissioner from his said office: *Provided nevertheless,* That the said petition and complaint in writing shall fully and minutely state all the causes assigned for such removal, and no other cause whatever shall be assigned, heard or enquired into: *And provided also,* That a copy of the said petition and complaint, with a notice of the time and place appointed for hearing and enquiring into the same, shall be served on such commissioner, at least ten days before any such hearing or enquiry shall be made.

SECT. XI. *And be it further enacted by the authority aforesaid,* Vacancies  
in the office  
of commr,  
how to be  
supplied.  
That in case two or more vacancies shall happen, by death, removal or otherwise, a majority of the board of commissioners may appoint special elections for supplying such vacancies, and for that purpose, a writ, under the hand of their president and seal of the corporation, shall issue, directed to the proper officers; and every special election shall be held and conducted, and the proper return thereof made in manner and form, as is herein before directed for the general election; and the persons so legally chosen shall be commissioners for the remainder of the time, that the commissioners, in whose places they were elected, had been elected for.

SECT. XII. *And be it further enacted by the authority aforesaid,* Commrs  
empowered  
to make by-  
laws; for  
what purpo-  
ses.  
That the said commissioners, when assembled together for that purpose, shall have full power and authority to make, ordain, constitute and establish such and so many laws, ordinances, regulations and constitutions, not inconsistent with the constitution and laws of this commonwealth, as shall be necessary and convenient for the purposes of ascertaining the toll and rates of wharfage of all articles brought to public landings in the said district; for directing the conduct of all persons concerned in buying, selling, or acting on any part of the estate belonging to the said district; for fixing the compensations of the officers appointed by the said commissioners, for their respective services; for lighting, watching, watering, pitching, paving, repairing and cleansing the streets, lanes and alleys; and for preventing and removing nuisances therein, on the wharves, in the docks, or elsewhere; and directing, appointing and regulating the time, order and manner of lighting, watching, watering, pitching, paving, repairing and cleansing the said streets, lanes and alleys;

1794.

and the same to enforce, put in use and execution, by the proper officers, under such penalties as they may prescribe, and at their pleasure to revoke, alter and make anew: *Provided always*, That nothing herein contained shall vest in the said commissioners an authority to regulate the prices of property or labour.

Jurisdiction  
of the quar-  
ter sessions  
within the  
district.

SECT. XIII. *And be it further enacted by the authority aforesaid*, That the court of General Quarter Sessions of the peace for the county of Philadelphia shall have, and they are hereby vested with, full power and authority to enquire of, hear, try and determine all offences which shall be committed within the said district, contrary to this act, or against any of the laws, ordinances, regulations or constitutions, that shall be made, ordained or established, in pursuance of this act, and to punish the offender or offenders, as by the said laws, ordinances, regulations or constitutions, shall be prescribed or directed.

Laws,  
not duly pub-  
lished and  
recorded,  
shall be void.

SECT. XIV. *And be it further enacted by the authority aforesaid*, That such and so many of the said laws, ordinances, regulations and constitutions, as shall not be published in two or more of the public newspapers published in the said district, or in the city of Philadelphia, and in hand-bills, within ten days from and after their being severally passed, ordained and established, and also recorded in the office of the master of the rolls, who shall be allowed and paid for recording thereof at the same rate as is allowed for recording the laws of this commonwealth, within thirty days from and after their being so as aforesaid passed, ordained and established, shall be null and void.

The publi-  
cation to be  
proved  
before  
recording.

SECT. XV. *And be it further enacted by the authority aforesaid*, That before any of the said laws, ordinances, regulations and constitutions, shall be so as aforesaid recorded, the publications thereof, respectively, shall be proved, by the oath or solemn affirmation of some credible person, which oath or affirmation shall be recorded therewith, and at all times be deemed and taken as sufficient evidence of the time of such publications.

Commissi-  
oners may  
regulate  
vaults, &c.

SECT. XVI. *And be it further enacted by the authority aforesaid*, That the said commissioners shall have full power and authority to limit, direct and appoint the depth of all vaults, wells and sinks, hereafter to be dug in the said district, for privies or necessities, which regulation, being so made as aforesaid, shall be published and recorded, and the publication proved in the same manner, and within the same period, as is herein before directed; and if any person or persons shall dig, or cause to be dug, any such vault, well or sink, for privies or necessary houses, of any greater depth than shall be limited or appointed as aforesaid, every such person or persons so offending, and being thereof legally convicted in the Court of Quarter Sessions of the Peace for the county of Philadelphia, shall forfeit and pay the sum of fifty pounds, and the said vaults, wells and sinks shall be filled up, at the expense of the owners.

Penalty, in  
case of  
transgress-  
ing such re-  
gulations.

SECT. XVII. *And be it further enacted by the authority aforesaid*, That no person or persons shall lay any foundation or party wall within the said district, before they shall have applied to the regulators appointed by the said commissioners, who are hereby re-

Of party  
walls, and  
regulators.



quired and empowered to appoint three or more discreet and skillful persons for that purpose.

1794.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That the said regulators, upon application to them made shall have full power and authority to enter upon the land of any person or persons, in order to set out the foundations and regulate the walls to be built between party and party, as to the breadth or thickness thereof, which foundation shall be laid equally upon the lands of the persons between whom such party walls are to be made, and the first builder shall be reimbursed one moiety of the charge of such party wall, or for so much thereof as the next builder shall have occasion to make use of, before such next builder shall use or break into the said wall, the charge or value whereof to be fixed by the said regulators, or by arbitrators mutually chosen.

Duty of the  
regulators  
of party  
walls.

Expense  
how paid.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That all appeals hereafter made from the order, direction and award of the said regulators, shall be taken and made, and shall lie to the next Court of Common Pleas to be holden for the county of Philadelphia, within one calendar month from the time of making the order, direction or award, appealed from, but not afterwards, nor otherwise; whereupon the said court, upon security being entered by the party appealing for the payment of all costs, in case he or she should not prevail in his or her appeal, shall direct a venire to the Sheriff of the county, commanding him to summon a jury to try the matter in dispute, and shall proceed therein according to the course of common law.

Of appeals  
from the  
regulators.

SECT. XX. *And be it further enacted by the authority aforesaid,* That if any person shall lay the foundation, or begin to lay the foundation of any party wall, or any wall adjoining or upon the line of any public street, lane or alley, within the said district, before the line and boundaries of the lot or piece of land whereon the said foundation shall be so laid, or begun to be laid, shall be adjusted and marked out by the said regulators, or two of them, every such person, as well employer as master-builder, shall forfeit the sum of thirty pounds, one half part thereof to the said commissioners, to be laid out in making or amending the public streets in the said district, and the other half to the use of the informer, together with costs; provided the prosecution be commenced within twelve calendar months from the time the offence shall be committed.

Penalty, in  
case of  
building  
adjoining  
any street  
&c. before  
the line is  
regulated.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That the regulators so to be appointed shall enter in a book all directions, orders and awards, by them made in pursuance of this act; and every such order and award, if made with reasonable notice to the parties interested, shall be conclusive, unless the same be set aside upon appeal as aforesaid, which book shall be provided by the said commissioners, and shall be under their direction: *Provided always,* That no person under age, *non compos mentis*, *feme covert*, imprisoned, or beyond sea, or who shall not have notice as aforesaid, shall be injured or affected by any proceeding, order, direction or award, until the expiration of three years after their coming to full age, return from beyond sea, discovered, being at large, of sound memory, or if within the United States, until the expira-

Of records,  
of awards,  
of regula-  
tors, &c.

Previso, in  
favour of  
persons un-  
der legal  
disabilities.

1794. tion of one year after notice in writing, within which periods his, her or their appeal may be entered and prosecuted as aforesaid.

Farther powers of commissioners.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That the said commissioners shall have full power and authority to contribute towards defraying the expense of making a common sewer under South-street, to erect and cause to be erected on the public estate now belonging to the said district, or which may hereafter belong to the same, market-houses, school-houses, and other public buildings, and to make, and cause to be made, any other improvements on such estate, which they may judge necessary.

Power of the commissioners to levy a tax for the purposes of this act.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That the said commissioners shall have full power and authority, for the purpose of carrying this act into execution, to lay and assess all the taxes which could be laid or assessed by the assessors, supervisors or commissioners of the said district, or others, at the time of passing this act, and shall also have full power and authority, in like manner, to make and lay, yearly and every year, one additional rate or assessment, not exceeding five shillings in every hundred pounds, of the clear value of all the real and personal estate within the said district, to be applied to the purpose aforesaid, and to appoint collectors for the same, from whom adequate security shall be taken; which rate or assessment, being fairly made, shall be transcribed in a book to be kept by the said commissioners, and a duplicate thereof shall be delivered to the said collectors, by them to be appointed from among the inhabitants of the said district, who are hereby authorized, enjoined and required to receive, collect, levy and recover the rates and assessments, in the same manner and form, and by the same legal remedies, which are by law appointed for recovering and collecting the county taxes in the said district; and having received or collected the same, or any part thereof, shall, at the end of every month from the time of appointment, or when thereunto required, account with and pay to the person whom the said commissioners shall appoint their treasurer all such sums of money, which they shall have so collected during the preceding month, deducting therefrom such sums as shall have been agreed upon, at the time of their entering security.

Treasurer to give bond and surety.

Condition of the bond.

SECT. XXIV. *And be it further enacted by the authority aforesaid,* That the treasurer of the said commissioners, before he undertakes his office, shall give a bond, with two sufficient sureties, to the commissioners, in such penalty as they from time to time shall judge proper, conditioned, that he will well and faithfully execute his office, keep regular accounts of his receipts and disbursements, pay all the orders drawn on him by the said commissioners, or a majority of their board, as soon as sufficient monies shall come to his hands from any of the funds under the direction of the commissioners, and that he will once in every year or oftener, if thereunto required, settle and adjust with the said commissioners a full and just account, supported by proper vouchers, of all his receipts and payments during the preceding time; and that upon his death, or the appointment of another treasurer in his room, which the said commissioners, or a majority of their board, are hereby authorized to do, whenever they see cause, he, his executors or administrators,



1794.

shall and will settle and adjust all his accounts with the said commissioners, and pay the remaining balance in his hands to his successor in office, charging for his trouble no more than shall be allowed him by the commissioners.

Power formerly given to officers of the district annulled.

SECT. XXV. *And be it further enacted by the authority aforesaid* That so much of all and every act or acts, as directs, authorizes or requires any matters or things to be done and performed by the surveyors or regulators, by the assessors and supervisors of the public highways, by supervisors of the public landings and highways, by trustees, or commissioners for the purchase of public landings, within the said district, or by all or any of them, or by any other person or bodies politic or corporate, authorized to lay taxes within said district, or to manage its concerns, shall, from and after the fourth day after the election of the commissioners, by this act constituted a body politic and corporate, be null and void, and the said officers shall no longer continue in office, nor shall any new appointment of such officers be made under any former law or act of Assembly: *Provided nevertheless*, That nothing herein contained shall bar, prevent, or in any manner impede, the recovery of any sum or sums of money, or of any other matter or thing, for the recovery whereof suits have been or may be instituted, but the same may be carried on by the said commissioners, hereby incorporated, to final judgment, execution and recovery: *And provided further*, That all and every matter and thing, that has been commenced, begun or entered upon, by the said surveyors, regulators, assessors, supervisors, trustees and commissioners, or either of them, in pursuance of the powers and authorities in them vested, shall be of the same force and effect as if this act had not been passed, and may, from and after the time last mentioned, be proceeded in and carried into effect, agreeably to the directions of this act, as fully as the same might or could have been done by the said surveyors, regulators, assessors, supervisors, trustees and commissioners, or either of them, had this act not been made; and for this purpose, all contracts and agreements made or entered into by the said surveyors, regulators, assessors, supervisors, trustees and commissioners, or either of them, in pursuance of the powers in them legally vested previously to the time last aforesaid, shall be equally binding upon the commissioners, and upon the person or persons with whom the same have been or shall be made, as if the same had been originally made and entered into by and between them.

Powers of former officers transferred to the commissioners.

SECT. XXVI. *And be it further enacted by the authority aforesaid*, That from and after the fourth day following their first election, the commissioners hereby incorporated shall be, and they are hereby fully authorized and empowered, either by themselves, or by proper persons to be by them appointed for that purpose, to do, perform and execute all such matters and things, not herein before provided for, as the said surveyors, regulators, assessors, supervisors, trustees and commissioners, were at and immediately before the passing of this act, respectively authorized or enabled by law to do.

SECT. XXVII. *And be it further enacted by the authority aforesaid*, That for the well governing of the said district, and the or-

Of district officers, and

1794. dering of the affairs thereof, there shall be such other officers therein, and at such salaries or other compensations, as the commissioners shall direct, each and every of which said officer and officers shall nevertheless, before entering on the duties of his office, take a solemn oath or affirmation, well and faithfully to perform and execute the same.

their compensations.

All the former estate and rights of the district vested in the present corporation.

SECT. XXVIII. *And be it further enacted by the authority aforesaid,* That all the rights of the supervisors of the public landings and highways, trustees and commissioners, within the said district, in and to all lands, tenements, hereditaments, ferries, wharves, markets, stalls, landings and landing places, goods, chattels, monies and effects whatsoever, and also all other lands, tenements and hereditaments, rights, franchises, liberties, privileges, goods, chattels, monies and effects, whereof any person or persons, or bodies politic or corporate, are seized or possessed, or which they, or any of them, hold or enjoy, in trust for, or to and for the use of the inhabitants of the said district, to which the said inhabitants are in anywise entitled to be, and they are hereby, severally and respectively vested in the said corporation or body politic of the district of Southwark, and their successors, in and by this act established, by the name, style and title aforesaid, to and for the use and benefit of the said inhabitants, and their successors, for ever; saving nevertheless to all and every person and persons, and bodies politic and corporate, his, her and their rights therein.

Accounts of property to be rendered to the commissioners.

SECT. XXIX. And to the end and intent that all and singular the estate and estates, rights, privileges and interests aforesaid, may be had and received by the said commissioners, and be by them and their successors faithfully applied to and for the use of the said inhabitants, and their successors, for ever, *Be it further enacted by the authority aforesaid,* That all and every person and persons, and bodies politic or corporate, who are or shall be seized or possessed of the same, or any part thereof, shall, on reasonable request, deliver the same to the said commissioners, together with all deeds, writings, evidences, books and papers, touching and concerning the same, with proper assignments, where the same shall be necessary, and just, true and fair accounts thereof; and whoever shall fail therein shall be liable to be sued for the same, and shall moreover forfeit and pay to the said commissioners, any sum of money, not exceeding twelve hundred dollars, to be sued for and recovered in any court of record, and to be applied to the use of the inhabitants of said district.

Commissioners to publish their accounts.

Their books, &c. liable to inspection.

SECT. XXX. *And be it further enacted by the authority aforesaid,* That the said commissioners shall cause all accounts of receipts and expenditures of money to be published, up to the thirty-first day of December, inclusive, in each and every year, within three months thereafter; and the vouchers in support of all charges may be viewed, at any seasonable hour, by any taxable inhabitant, who may demand the inspection thereof; and the said commissioners shall also keep regular minutes of their proceedings, which may be examined by like persons, and at like times, as the accounts aforesaid; provided that no inspection thereof shall be permitted until three months after making such minutes respectively, unless ten commis-



sioners, the names of whom shall be entered on the minutes, consent thereto. 1794.

SECT. XXXI. *And be it further enacted by the authority aforesaid,* That no misnomer of the said corporation shall defeat or annul any gift, grant devise or bequest, to or from the said corporation, provided the intent of the parties shall sufficiently appear on the face of the gift, grant, will, or other writing, whereby any estate or interest was intended to pass to or from the said corporation; nor shall any disuser or nonuser of the rights, liberties, privileges, jurisdictions and authorities, hereby granted to the said corporation, or any of them, create or cause a forfeiture thereof. Misnomer shall not affect grants to or from the corporation.

SECT. XXXII. *And be it further enacted by the authority aforesaid,* That as often as any doubts shall arise touching this act, the same shall in all courts of law and equity, and elsewhere, be construed and taken most favourably for the said corporation. This act how to be construed.

Passed 18th April, 1794.—Recorded in Law Book No. V. page 210.

## CHAPTER MDCCXXXII.

*An ACT to prevent the damages which may happen by firing of woods.*

WHEREAS it hath been represented, that numbers of persons are in the custom of setting fire to the woods for different purposes, thereby producing an extensive conflagration, injurious to the soil, destructive to the timber, and the infant improvements within this state: Therefore, (See vol. I, page 139.)

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That whosoever shall at any time hereafter wilfully set on fire, or cause to be set on fire, any woods, lands or marshes whatsoever, within this commonwealth, so as thereby to occasion any loss, damage or injury, to any other person or persons, every such person or persons, so offending, and being thereof legally convicted, by the oath or affirmation of one or more witnesses, in the county court of quarter sessions where the offence is committed, shall pay a fine not exceeding fifty dollars, and not less than twenty dollars, the one half of such fine to be paid to the informer, and the other half to the overseer of the poor of the township where the offence is committed, for the use of the poor in the said township. Penalty on setting fire to woods, lands or marshes.

SECT. II. *And be it further enacted by the authority aforesaid,* That where any person or persons, so offending, as thereby to occasion any loss, damage or injury, to any other person or persons, every such person or persons, so offending, shall be and are hereby declared liable to make satisfaction for the same, in any action or actions on the case to be brought by the party or parties grieved, in the Court of Common Pleas of the county in which the offence was committed. Offenders liable also to a civil suit.

SECT. III. *And be it further enacted by the authority aforesaid,* That where any party is injured, and shall not demand above fifty Proceedings to recover damages un-

1794.

der fifty  
dollars.

dollars for his loss or damage, it shall and may be lawful to and for such person or persons to apply to any justice of the peace of the county where the offence is committed, who is hereby empowered and required, by warrant under his hand and seal, to cause the party offending to be brought before him, or some other justice of the peace of the same county; and if, upon examination, it shall appear to the justice, by the testimony of one or more credible witness or witnesses, that the defendant is guilty of the charge exhibited against him, then the said justice shall issue his warrant to two or more freeholders of the neighbourhood, thereby commanding them, in the presence of the defendant, if he will be present, to view the place or thing damaged, or enquire into the loss sustained by the plaintiff, and to certify to the said justice, upon their oath or affirmation, what damage in their judgment the plaintiff hath sustained by occasion of the premises, and that upon the return of such certificate to the said justice, he is hereby empowered to grant execution for the recovery of the said damages, together with cost of prosecution, as is usual in the recovery of debts under ten pounds; *Provided always*, That if any person or persons shall apprehend him, her or themselves, aggrieved by the determination of any justice of the peace, in consequence of this act, he, she or they shall have a right to appeal from the judgment of the said justice to the next Court of Common Pleas of the proper county.

Appeal.

Servants  
offending,  
&c. how  
punished.

SECT. IV. *And be it further enacted by the authority aforesaid*, That where any offence shall be committed against the tenor of this act, by any white or black servant, without the direction of his, her or their master or mistress, respectively, and such offenders be thereof duly convicted, by the oath or affirmation of one credible witness, such offender or offenders, unless his or her master or mistress will pay the damages sustained, with costs of suit, shall be committed to the gaol of the county, there to be kept to hard labour for three months, and from thence until the cost of prosecution be paid.

Repeal of  
the former  
act.

\*(chap. 338.)

SECT. V. *And be it further enacted by the authority aforesaid*, That the act, entitled "An Act to prevent the damages that may happen by firing of woods," passed the twenty-ninth day of March, one thousand seven hundred and thirty-five,\* is hereby repealed, and made null and void.

Passed 18th April, 1794.—Recorded in Law Book No. V. page 221.

## CHAPTER MDCCXXXVI.

*An ACT to incorporate the Insurance Company of the state of Pennsylvania.*

[THIS company is incorporated by the name and style of "The insurance company of Pennsylvania," with the usual corporate powers. Deposits for safe keeping of money, to be in the bank of Pennsylvania. 2. The capital stock to be five hundred thousand dollars, and divided into shares of four hundred dollars each. 3. To



insure against losses by sea or land, or on risques by fire, upon life or lives, and to lend money on bottomry or respondenture. 4. How the shares are to be paid for, and penalty for default. 5. Ready money to be always reserved to pay losses, &c. 6. Thirteen directors to be chosen annually on the second Monday in January. 7. The powers of the directors prescribed. 8. The stock to be vested in certain public securities, &c. 9. The fundamental articles declared, (but the first article respecting the number of votes of the stockholders, is repealed and supplied by act of 5th March, 1795, chap. 1794.) 10. Penalty on trading. 11. Corporation to continue until 1st January, 1815.] 1794.

Passed 18th April, 1794.—Recorded in Law Book No. V. page 229.

## CHAPTER MDCCXXXVIII.

*An ACT for erecting a certain part of Luzerne county into a separate election district.*

WHEREAS it hath been represented to the legislature, that it would be of great convenience to the inhabitants of that part of Luzerne county, comprised within the bounds herein after mentioned, that a separate election district should be erected therein :

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the part of Luzerne county, contained within the following bounds, viz. beginning on the north line of the state, at the corner of Northampton and Luzerne counties ; thence west, on a straight line, until it meets the stream called Wappasena ; thence southwardly, up said stream, to the head thereof ; thence continuing a south course, to the distance of twenty miles from the York line ; thence east, to the line of Northampton county ; thence north, on said line, to the place of beginning ; shall be, and the same is hereby, erected into a separate election district ; and the inhabitants residing within the said district shall hold their annual elections, hereafter, at the times, and in the manner, prescribed by law, at the house now occupied by Horatio Strong, in the said district.

A new election district erected in Luzerne county.

Passed 18th April, 1794.—Recorded in Law Book No. V. page 226.

## CHAPTER MDCCXXXIX.

*An ACT to repeal an act, entitled “ An Act for erecting a Loan-Office, for the sum of five hundred thousand dollars,” enacted the eleventh day of April last, so far as the same hath not been acted upon.* (Original act, chap. 1696.)

WHEREAS the act, entitled “ An Act for erecting a Loan-Office, for the sum of five hundred thousand dollars,” passed the eleventh day of April last, hath been found inexpedient, and not to answer the purposes intended by the legislature : Therefore,

1794. *SECT. I. Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the act, entitled "An Act for erecting a Loan-Office, for the sum of five hundred thousand dollars," passed on the eleventh day of April, one thousand seven hundred and ninety-three, be, and the same is hereby, repealed: Provided, That nothing herein contained shall be construed so, as to take from the state any security for the repayment of the sum or sums of money loaned, with the interest thereon: Provided also, That nothing in this act contained shall be deemed to repeal the power given to the mortgagor or mortgagors, his, her or their heirs, executors, administrators or assigns, to pay off and discharge his, her or their mortgage and security, by paying to the treasurer of the proper county the whole principal sums due, and to become due, together with the interest and charges thereon accrued, on the first day of November, in any year, before the expiration of the term limited in their respective deeds of mortgage; and the commissioners, and other officers concerned, shall perform all the duties, and exercise all and every power, which they ought to perform, or which they might or could have exercised, for the recovery of the money loaned on mortgage, as fully as if this act had not passed.*

Repealing  
clause;

but not to  
impair secu-  
rities alrea-  
dy given, &c.

Whereas it has been represented to the legislature, that in consequence of the epidemic or contagious disorder which lately prevailed in the city of Philadelphia, the commissioners of several counties were prevented from performing certain duties, necessary to enable their respective counties to procure the portion of money allotted such county, to be lent to the citizens thereof, as directed by the act aforesaid, and that the said commissioners did, notwithstanding, on application made to them by the citizens of their respective counties, after due examination of the titles of such applicants, take, receive, and record, agreeably to the said act, deeds of mortgage and bonds to secure the repayment of the money so loaned, all at the proper costs and charges of the mortgagors: And whereas the said mortgagors may have, and it is suggested have made, engagements, in expectation of receiving the money lent to them as aforesaid, the fulfilment of which would greatly embarrass, if not totally ruin them, if they do not receive the money, on the terms stipulated in the said deeds of mortgage and bonds: Therefore,

*SECT. II. Be it further enacted by the authority aforesaid, That in each and every case where a deed of mortgage and bond, with warrant of attorney to enter and confess judgment, have been completed, taken, received and recorded, agreeably to the terms and provisions contained in the said act, and the money not received by the mortgagor, nor borrowed from the bank of Pennsylvania, the governor shall, upon due application, issue his warrant on the state treasurer, for the amount of the sum or sums of money due and payable to any person or persons, who shall have secured the repayment thereof as aforesaid, which warrant shall be discharged out of the funds appropriated for the support of government.*

*SECT. III. And be it further enacted by the authority aforesaid, That the sum and sums of money, together with the interest there-*

Of mortga-  
ges, &c.  
under the  
former act.

How the  
mortgage



on, payable by the mortgagors respectively, shall be paid, as the same becomes due, to the respective treasurers of the several counties, who shall certify such payment to the respective commissioners of the several counties, to the intent that the same may be acknowledged, by an endorsement in writing upon the respective deeds of mortgage, which shall accordingly be done; and the monies so to the county treasurers respectively paid, shall from time to time, be by them paid to the state treasurer, as soon as conveniently may be after the same shall be received by the said county treasurers, respectively.

1794.  
money shall be repaid.

Passed 18th April, 1794.—Recorded in Law-Book No. V. page 227.

## CHAPTER MDCCXI.

*An ACT directing the descent of intestates' real estates, and distribution of their personal estates, and for other purposes therein mentioned.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted, by the authority of the same, That* the register for the probate of wills and granting letters of administration for the city and county of Philadelphia, and of the several counties of this state, respectively, and their deputies, having power to grant letters of administration, of the goods and chattels of persons dying intestate within this commonwealth, shall, upon their granting letters of administration, take bonds, with two or more sufficient sureties (respect being had to the value of the estate,) in the name of the register, with the conditions in manner and form following, viz. "The condition of this obligation is such, that if the within bounden A. B. administrator of all and singular the goods, chattels and credits of C. D. deceased, do make, or cause to be made, a true and perfect inventory of all and singular the goods, chattels and credits of the said deceased, which have or shall come to the hands, possession or knowledge of him, the said A. B. or into the hands and possession of any other person or persons, for him, and the same, so made, do exhibit, or cause to be exhibited, into the Register's office in the county of \_\_\_\_\_ at or before the day of \_\_\_\_\_, next ensuing; and the same goods, chattels and credits, and all other the goods, chattels, and credits of the said deceased, at the time of his death, which at any time after, shall come to the hands or possession of the said A. B. or into the hands and possession of any other person or persons for him, do well and truly administer according to law; and further, do make, or cause to be made, a true and just account of his said administration, at or before the \_\_\_\_\_ day of \_\_\_\_\_, and all the rest and residue of the said goods, chattels and credits, which shall be found remaining upon the said administrator's account, the same being first examined and allowed of by the Orphans' Court of the county where the said administration is granted, shall deliver and pay unto such person or persons, respectively, as the said Orphans' Court, by their decree or

The registers to take bonds, on granting letters of administration.

Condition of the bonds.

1794.

Force of such bonds, &amp;c.

Power of the Orphans' Court to compel settlement, &amp;c.

Of inventories.

(Repealed, 4th April, 1797, and supplied, chap. 1938.)

Of debts against an intestate's real estate.

(\*The 4th section of the act of 4th April, 1797, is in the same words as the present section, omitting that part between crotchets.)  
Proviso.

(\*Four years, by the 4th section of the act of 4th April, 1797.)

sentence, pursuant to the true intent and meaning of this act, shall limit and appoint; and if it shall hereafter appear that any last will and testament was made by the said deceased, and the executor or executors therein named do exhibit the same into the said Register's office, making request to have it allowed and approved accordingly, if the said A. B. within bounden, being thereunto required, do render and deliver the said letters of administration, approbation of such testament being first had and made in the said Register's office, then this obligation to be void and of none effect, or else to remain in full force and virtue;" which bonds are hereby declared to be good to all intents and purposes, and pleadable in any courts of justice; and the said Orphans' Court in the respective counties shall and may, and are hereby enabled to proceed and call such administrators to account, for and touching the goods of any person dying intestate, and upon hearing and due consideration thereof, to order and make just and equal distribution of what remaineth clear, after all debts and funeral and just expenses of every sort first allowed and deducted, amongst the wife and children, or childrens' children, if any such be, or otherwise to the next kindred to the person deceased, in equal degree, or legally representing their stocks, to every one his right, according to the rules and limitations hereafter set down, and the same distributions to decree and settle, and to compel such administrators to observe and pay the same by the due course of the laws of this commonwealth, saving to every person or persons, supposing him or themselves aggrieved, their right of appeal: *Provided*, That the administrators be bound to furnish the inventory within one month, and to adjust and settle his accounts within one year.

[SECT. II. Whereas inconveniences may arise from the debts of deceased persons remaining a lien on their lands and tenements an indefinite period of time after their decease, whereby *bona fide* purchasers may be injured, and titles become insecure: Therefore, *Be it enacted by the authority aforesaid*, That no such debts, except they be secured by mortgage, judgment, recognizance, or other record, shall remain a lien on said lands and tenements longer than seven years after the decease of such debtor, unless [*a demand thereof shall be made, or\**] an action for the recovery thereof commenced and duly prosecuted against his or her executors or administrators, within the said period of seven years, or a copy, or particular written statement of any bond, covenant, debt or demand, where the same is not payable within the said period of seven years, shall be filed within the said period in the office of the Prothonotary of the county where the lands lie: *Provided always*, That a debt due and owing to a person, who, at the time of the decease of such debtor, is a feme covert, in his minority, *non compos mentis*, in prison, or out of the limits of the United States, shall remain a lien on the said lands and tenements (notwithstanding the said term be expired) until [*seven\**] years after discoverture, or such person shall have arrived at the age of twenty-one years, be of sound mind, enlargement out of prison, or return into some one of the United States of America.]



SECT. III. *And be it enacted by the authority aforesaid, That* 1794.  
 the remaining part of any lands, tenements and hereditaments, and  
 personal estate, of any person deceased, not sold or disposed of by  
 will, nor otherwise limited by marriage settlement, shall be divided  
 and be enjoined in manner following, to wit: if the intestate leaves  
 a widow and lawful issue, the widow shall be entitled to one third  
 part of the real estate, for and during her natural life, and to one  
 third of the personal estate absolutely; and the remaining two thirds  
 of the said estate, real and personal, shall immediately descend and  
 be distributed to the lawful children of the intestate, such children  
 always to inherit and enjoy, as tenants in common, in equal parts:  
 And in case the person dying intestate shall leave several persons  
 lawful issue in the direct line of lineal descent, and all of equal de-  
 gree of consanguinity to the person so dying intestate, the said two  
 thirds of such estate shall descend and be distributed to the said  
 several persons, as tenants in common, in equal parts, however re-  
 mote from the intestate the common degree of consanguinity may  
 be, in the same manner as if they were all daughters of the person  
 so dying intestate: And in case the intestate shall leave lawful issue  
 of different degrees of consanguinity to him or her, the said two  
 thirds of such estate shall descend, and the personal estate be dis-  
 tributed to the lawful child or children of the intestate, if either or  
 any of them be then living, and to the lawful issue of such of the  
 children as shall be then dead, leaving lawful issue, as tenants in  
 common; such issue always to inherit, if one person, solely, and if  
 several persons, as tenants in common, in equal parts, such share  
 only as would have descended to his or their parent, if such parent  
 had been then living; and each of the lawful children of the intes-  
 tate always to inherit and receive such share as would have descend-  
 ed or been distributed to him or her, if all the children of the in-  
 testate, who shall be then dead, leaving lawful issue, had been liv-  
 ing at the death of the intestate: And if there be no child of the  
 intestate living at the death of the intestate, and only a grand-child  
 or grand-children, and the lawful issue of a grand-child or grand-  
 children, who shall be then dead, leaving lawful issue, then the  
 real estate shall descend, and the personal estate be distributed, to  
 such grand-child or grand-children of the intestate, and to the law-  
 ful issue of such of the grand-children of the intestate as shall be  
 then dead, leaving issue, as tenants in common; such issue always  
 to inherit, if one person solely, and if several persons, as tenants  
 in common, in equal parts, such share only as would have descend-  
 ed to his, her or their parent; if such parent had been then living:  
 And each of the grand-children of the person so dying intestate,  
 who shall be living at the time of the death of the intestate, always  
 to inherit and receive such share as would have descended or been  
 distributed to him or her, if all the grand-children of the intes-  
 tate, who shall be then dead, leaving lawful issue, had been living at  
 the time of the death of the intestate: And the same law of inheri-  
 tance, descent and distribution, shall be observed, in case of the  
 death of the grand-children, and other descendants, to the remotest  
 degree.

Distribu-  
tions of es-  
tates, &c.

Where there  
is a widow  
and lawful  
issue.

Of persons  
in equal de-  
gree of con-  
sanguinity.

Case of law-  
ful issue of  
different de-  
grees of con-  
sanguinity.

Of grand-  
children and  
their lawful  
issue.

1794.

Where there  
is no widow.

Where there  
is a widow,  
but no lawful  
issue.

When the  
father shall  
inherit.

Exception.

When fa-  
ther, bro-  
thers and  
sisters, &c.  
shall inherit.

When the  
mother shall  
inherit, &c.

SECT. IV. *And be it further enacted by the authority aforesaid,* That in case the intestate leaves no widow, the whole real and personal estate shall descend and be divided, as is directed in the preceding section with respect to the estate not disposed of in favour of the widow; and if the intestate shall leave a widow, and no lawful issue, the said widow shall have one moiety or half part of the real estate, including the mansion-house, during her natural life, except in cases, where, in the judgment of the Orphans' Court, the estate cannot with propriety be divided; and in that case she shall have and receive the rents and profits of one moiety of the real estate during her natural life, and one moiety of the personal estate absolutely, the remaining moiety to descend and be disposed of as is provided with respect to the whole estate, in case the intestate leaves no widow, and the real estate, so as aforesaid to be enjoyed by the widow during her natural life, shall descend and be disposed of as is by this act provided with respect to the whole estate, in case the intestate leaves no widow.

SECT. V. *And be it further enacted by the authority aforesaid,* That in case any person so as aforesaid seized or possessed shall die, leaving neither widow nor lawful issue, but leaving a father, the whole of the said real estate shall be enjoyed by the father of the intestate, for and during the natural life of such father; and the personal estate of the said intestate shall pass and be vested in the said father absolutely, unless the said real and personal estate, or either of them, came to the person so dying seized or possessed from the part of his or her mother, in which case the said estate, or such part thereof as shall have come from the part of his or her mother, shall descend, pass and be enjoyed or possessed, as if such person so dying seized or possessed had survived his or her father.

SECT. VI. *And be it further enacted by the authority aforesaid,* That if any person so dying seized shall leave neither widow nor lawful issue, but shall leave a father, and brothers and sisters, the said real estate shall descend to and be enjoyed by the brothers and sisters of the intestate, after the decease of the father, as tenants in common, in equal parts; and if any of the brothers or sisters of the intestate shall be then dead, leaving lawful issue, then it shall descend to and be enjoyed by the surviving brothers and sisters, and the lawful issue of such brothers or sisters, as shall be then dead, leaving lawful issue, such issue always to inherit, if one person, solely, if several persons, as tenants in common, in equal parts, such share only as would have descended to his, her or their parent, had such parent been then living; and each of the brothers and sisters of the person so dying intestate, who shall be living at the time of the death of the intestate, always to inherit and enjoy such share as would have descended and been distributed to him or her, if all the brothers and sisters leaving lawful issue had been living at the time of the death of the intestate; but if the intestate shall leave no brothers or sisters, nor their representatives, then the estate shall go to the father in fee simple, unless where the estate has descended from the part of the mother, as aforesaid.

SECT. VII. *And be it further enacted by the authority aforesaid,* That in case any person so as aforesaid seized or possessed shall die,



leaving [no\*] widow nor lawful issue, nor father, but leaving a mother, the whole of the real estate shall be enjoyed by the mother of the intestate, for and during the natural life of such mother; and the personal estate of the said intestate shall pass and be vested in the said mother absolutely, unless the said real and personal estates, or either of them, came to the person so dying seized or possessed from the part of his or her father, in which case the said estate, or such part thereof as shall have come from the part of his or her father, shall descend, pass and be enjoyed or possessed, as if such person so dying seized or possessed had survived his or her mother.

1794.

Exception.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That if the person so dying seized shall leave neither widow nor lawful issue, but shall leave a mother, and brothers and sisters, the said real estate shall descend to and be enjoyed by the brothers and sisters of the intestate, or their representatives, after the decease of the mother, as tenants in common, in equal parts; and if any of the brothers or sisters of the intestate shall be then dead, leaving lawful issue, then it shall descend to and be enjoyed by the surviving brothers and sisters, and the lawful issue of such brothers or sisters as shall be then dead, leaving lawful issue, such issue always to inherit, if one person, solely, if several persons, as tenants in common, in equal parts, such share only as would have descended to his, her or their parent, had such parent been then living; and each of the brothers and sisters of the persons so dying intestate, who shall be living at the time of the death of the intestate, always to inherit and enjoy such share as would have descended and been distributed to him or her, if all the brothers and sisters leaving lawful issue had been living at the time of the death of the intestate.

Where there is no widow nor issue, but a mother, and brothers and sisters, or their representatives.

SECT. IX. *And be it further enacted by the authority aforesaid,* That in case any child shall have any estate by settlement of the intestate, or shall be advanced by the intestate, in his or her life-time, by portion or portions, equal to the share which shall be divided and allotted to the other children, and other descendants, whether the same be by lands or personal estate, such person shall have no share of the estate of which the said person died seized or possessed; and in case any child shall have any estate by settlement from the intestate, or shall have been advanced by the said intestate in his or her life-time, whether the said portion or advancement be in real or personal property, but not equal to the share which will be due to the other children, or descendants, then so much of the surplusage of the said estate of the intestate to be distributed to such child or children, as shall make the estate of all the said children or descendants to be equal; excepting, nevertheless, that where the issue to take shall not be of equal degree to the person dying seized or possessed, the several descendants taking by representation to inherit and enjoy, the one person, solely, and several persons, as tenants in

Of advancements to children, &c.

\* The word [no] is omitted in the original roll, but is so obviously necessary to the sense of the act, that it has been thought proper to insert it here.

1794.

common, in equal parts, such share only as would have descended or been distributed to his, her or their parent or ancestor, if such parent or ancestor had then been living.

Of posthumous children.

SECT. x. *And be it further enacted by the authority aforesaid,* That all posthumous children shall, in all cases whatsoever, inherit in like manner, as if they were born in the life-time of their respective fathers.

When the half blood shall inherit.

SECT. xi. *And be it further enacted by the authority aforesaid,* That where any person shall die seized as aforesaid, leaving no children, or lawful issue, father or mother, brothers or sisters, or their lawful issue, of the whole blood, then brothers and sisters of the half blood, and their lawful issue, shall inherit the same as aforesaid, in preference to the more remote kindred of the whole blood, unless where such inheritance came to the said person so seized by descent, devise, or gift, of some one of his or her ancestors, in which case all those, who are not of the blood of such ancestor, shall be excluded from such inheritance.

Kindred in equal degree, &c.

SECT. xii. *And be it further enacted by the authority aforesaid,* That the real and personal estate of any person dying intestate, in case such person leaves neither widow nor lineal descendant, nor father or mother, or brothers or sisters, of the whole or half blood, or lawful issue of any brother or sister of the whole or half blood, shall descend to and be divided among the next of kin of equal degree; and if any such kindred shall be then dead, leaving lawful issue, then it shall descend to and be enjoyed by such surviving kindred, and the lawful issue of such kindred as may be then dead, leaving issue, as tenants in common, such issue always to inherit, if one person, solely, and if several persons, as tenants in common, in equal parts, such share only as would have descended to his, her or their parent, if such parent had been then living; and each of the kindred in equal degree to the person so dying intestate, who shall be living at the time of the death of the intestate, always to inherit and receive such share as would have descended to him or her, if all such kindred leaving lawful issue had been living at the time of the death of the intestate.

Of dower.

SECT. xiii. *And be it further enacted by the authority aforesaid,* That the share of the estate of the intestate, in this act directed to be allotted to the widow, shall be in lieu and satisfaction of her dower at common law.

Order of paying debts.

SECT. xiv. *And be it further enacted by the authority aforesaid,* That all debts owing by any person within this state, at the time of his or her decease, shall be paid by his or her executors or administrators, so far as they have assets, in the manner and order following: First, physic, funeral expenses, and servants wages; Second, rents not exceeding one year; Third, judgments; Fourth, recognizances; Fifth, bonds and specialties; and that all other debts shall be paid without regard to the quality of the same, except debts due to the commonwealth, which shall be last paid; but if there shall not be assets sufficient to discharge and pay such bonds and specialties, and other debts, then, and in such case, the same shall be averaged, and the said creditors paid pro rata, or an equal sum or proportion in the pound, as far as the assets will extend, first paying

Proceedings, if there are not sufficient assets for all.



the bonds and specialties aforesaid; for which purpose the executors or administrators of such deceased person shall or may apply to the Orphans' Court of the proper county, which is hereby empowered to appoint three or more auditors, to settle and adjust the rates and proportions of the remaining assets due and payable to such respective creditors, whose report thereupon, if approved by the court, shall be confirmed, and the executors or administrators shall pay such creditors accordingly: *Provided nevertheless*, That no creditor, who shall neglect to exhibit his account to the executors or administrators, within twelve months after public notice given in one or more of the public newspapers of this state, and continued in such public newspapers for four weeks, shall be entitled to demand or receive any dividend of such remaining assets.

Creditors  
when ex-  
cluded from  
a dividend.

SECT. XV. *And be it further enacted by the authority aforesaid*, That to the end that a due regard be had to creditors, no administrator shall be compelled to make such distribution of the goods of any person dying intestate, until one year be fully expired after the intestate's death, and that each and every one, to whom any distribution and share shall be allotted, shall give bond, with sufficient securities, in the said Orphans' Court, that if any debt or debts truly owing by the intestate shall be afterwards sued and recovered, or otherwise duly made to appear, that then, and in every such case, he or she shall respectively refund and pay to the administrator his or her rateable part of that debt or debts, and of the costs of suits, and charges of the administrator, by reason of such debts, out of the part and shares so as aforesaid allotted to him or her, thereby to enable the said administrator to pay and satisfy the said debt or debts, so discovered after the distribution made as aforesaid.

Of distribu-  
tion.

SECT. XVI. *And be it further enacted by the authority aforesaid*, That in case distributions shall be made as aforesaid by the administrator, of all and singular the goods and chattels, rights and credits of the intestate, without making application to the Orphans' Court, each and every one to whom any distribution and share shall be allotted shall give bond, with sufficient sureties, to the said administrator, the condition of which bond shall be the same as is before directed, in case distribution is made by the Orphans' Court.

Of distribu-  
tion by  
parties.

SECT. XVII. *And be it further enacted by the authority aforesaid*, That in all cases, where the register hath used heretofore to grant administration, with a testament annexed, he shall continue so to do, and the will of the deceased in such testament expressed shall be performed and observed in such manner as it should have been, if this act had never been made.

Of adminis-  
tration, with  
the will  
annexed.

SECT. XVIII. *And be it further enacted by the authority aforesaid*, That all such of the intestate's relations, and persons concerned, who shall not lay legal claim to their respective shares within seven years after the decease of the intestate, shall be debarred from the same for ever: *Provided always*, That if any such relation or person shall, at the time of such title accrued, be within the age of twenty-one years, covert, non compos mentis, in prison, or out of the limits of the United States of America, that then such person, his or her heirs, executors or administrators (notwithstanding the said term shall have expired) shall and may recover, hold and enjoy

Claims when  
barred.

Proviso.

1794. the same, if he or she shall lay a legal claim thereto within seven years after his or her coming to full age, discoverture, coming to sound mind, enlargement out of prison, or return into some one of the said United States; and if any such relation or person concerned shall, at the time of the decease of the intestate, be feme sole, of sound mind, not in prison, and within the said United States, and shall afterwards, and within the said term of seven years, be covert, non compos mentis, in prison, or out of the United States, then such person shall not be barred his or her claim, notwithstanding the said term of seven years may have expired; provided the time which may have elapsed previously to such disability, together with the time subsequent thereto, and before such claim is made, does not exceed the said term of seven years.

How real estate may be sold to pay debts, &c.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That if any person or persons shall die intestate, being owner or owners of lands or tenements within this state at the time of his, her or their death, and leave lawful issue, but not a sufficient personal estate to pay their just debts and maintain their children, in such case it shall be lawful for the administrator or administrators of such deceased person or persons to borrow on mortgage, giving the premises for security, any sum of money, not exceeding one third of the value thereof, or to sell and convey such part or parts of the said lands or tenements, as the Orphans' Court of the county where such estate lies shall in either case, from time to time, think fit to allow, order and direct, for defraying their just debts, maintenance of their children, and for putting them apprentices, and teaching them to read and write, for the improvement of the residue of the estate, if any be, to their advantage.

Of real estate in marriage settlements;

SECT. XX. *And be it further enacted by the authority aforesaid,* That no lands or tenements contained in any marriage settlement shall, by virtue of this act, be sold or disposed of contrary to the form and effect of such settlement, or shall any Orphans' Court allow or order any intestate's lands or tenements to be sold, before the administrator or administrators requesting the same shall exhibit a true and perfect inventory, and a conscionable appraisement of all the intestate's personal estate whatsoever, as also a just and true account, upon his, her or their solemn oath or affirmation, of all the intestate's debts, which shall be then come to his, her or their knowledge; and if thereupon it shall appear to the said Orphans' Court, that the intestate's personal estate will not be sufficient to pay the debts, and maintain the children, until the eldest of them attains to the age of twenty-one years, or to put them out to be apprentices, and to teach them to read and write, then, and in every such case, and not otherwise, the said Orphans' Court shall allow such administrator or administrators to make public sale of so much of the lands, as the said Orphans' Court, upon the best computation they can make of the value thereof, shall judge necessary for the purposes aforesaid, reserving the mansion house and most profitable part of the estate till the last; but before any such sale be made, the said Orphans' Court shall order so many writings to be made by the clerk, upon parchment or good paper, as the said Orphans' Court shall think fit, to signify and give notice of such sales, and of the

when real estate may be sold.

Order for sale.

Proceedings before a sale.



day and hour when, and the place where, the same will be, and what lands are to be sold, and where they lie, which notice shall be delivered to the sheriff or constables, in order to be fixed in the most public places of the county or city, at least ten days before sale; and the sheriff or constables are hereby required to make publication accordingly; and the administrator or administrators that make such sale shall bring his, her or their proceedings therein to the next Orphans' Court after the sale made; and if it shall happen that any lands be sold, by virtue of this act, for more than the said Orphans' Court's computation of the value thereof, then the administrator or administrators shall distribute the same, as by this is required for intestate's real estates.

1794.

Return of  
the sale.Distribution  
of the sur-  
plus.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That no lands, tenements and hereditaments, so as aforesaid sold by order of the Orphans' Court, shall be liable in the hands of the purchaser for the debts of the intestate.

Of lands, so  
sold.

SECT. XXII. And to prevent any doubts which may hereafter arise, concerning the manner in which the partition of the intestate's estate may be made, *Be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the Justices of the Orphans' Court of the county in which the lands of the intestate shall be, upon a petition to them presented by the widow or relict, or by any child or children of such intestate, if of age, or by his or her, or by their guardian or guardians, or next friends, if under age, to appoint seven or more persons, indifferently chosen, on behalf and with consent of the parties, or where the parties cannot agree, to award an inquest to make partition, according to the purport and true meaning of this act; and upon the return made by the persons so to be appointed, or of the inquisition so to be taken, to give judgment that the partition thereby made do remain firm and stable for ever, and that the costs arising on such suit or suits be paid by the parties concerned: *Provided nevertheless,* That where any estate in lands, tenements and hereditaments, cannot be divided amongst the children, or widow and children of the intestate, without prejudice to or spoiling of the whole, the said seven or more persons, or the said inquest, as the case may be, shall make a just appraisement thereof to the Orphans' Court of the county where the same lands or tenements shall be, and thereupon the said court may, but not otherwise, order the whole to the eldest son, if he shall accept it, or any of the other sons, successively, upon the eldest son's neglect or refusal, or if there be no son, or all the sons neglect or refuse, then to the eldest daughter of the said intestate, and on her neglect or refusal, to any other of the said daughters, in the same manner successively, he, she or they, or some friend legally authorized for him, her or them, paying to the other children of the intestate their equal and proportionable part of the true value of such lands, tenements and hereditaments, as upon a just appraisement thereof, made as aforesaid, or giving good security for the payment thereof in some reasonable time, not exceeding twelve months, as the said Orphans' Court shall limit and appoint; and the person or persons to whom, or for whose use, payment or satisfaction shall be so made for their respective parts or shares of the

Partition of  
the intes-  
tate's estate,  
how to be  
made.Proceeding,  
where estate  
cannot be  
divided.Shares to be  
paid;Effect of  
such pay-  
ment.

1794.

Proceeding  
in such case  
where there  
is a widow ;

and after her  
death.

Of partition  
of estate.

In favour of  
sons.

In favour of  
daughters.

Provision  
for children  
born after  
making a  
will, and  
not noticed  
therein.

deceased's lands, in manner aforesaid, shall be forever barred of all right, title, or demand, of, in, to, or out of the intestate's lands and tenements aforesaid ; but where the widow is living, and the whole premises shall be adjudged and ordered to the eldest son, or any of the children, the wife of the person so deceased shall not be entitled to the sum, at which her purpart or share of the estate so as aforesaid ordered to the eldest son, or any of the children, shall be valued, but the same, together with the interest thereof, shall be and remain charged upon the premises, and the interest thereof shall be annually and regularly paid by the eldest son, or such other child, to whom the said lands shall be adjudged, his or her heirs or assigns, holding the said lands, to be recovered by such mother by distress, or otherwise, as rents in this commonwealth are usually recovered, to his or her said mother, during her natural life, which the said mother shall accept and receive, in lieu and full satisfaction for her dower at common law ; and at the decease of the said mother, the said principal sum, so as aforesaid valued and adjudged, shall be paid by the said eldest son, or other child aforesaid, to whom the said lands shall be adjudged, his or her heirs or assigns, holding the premises, and shall be distributed and divided by the said court to and amongst the said children of her husband, and their representatives, according to the direction of this act : *Provided also nevertheless*, That when it shall appear, by the report of seven or more persons, chosen by the parties, or, where they cannot agree, by an inquest, appointed as aforesaid, that the real estate of any intestate will conveniently accommodate more than one child, the said court may settle the same on as many of the children (preference being always given to the eldest sons) as it will accommodate, without prejudice to or spoiling the whole, or, in case the intestate left no issue, the same may be assigned to so many of the next of kin to the intestate in equal degree, as such estate will conveniently accommodate, without prejudice to or spoiling the whole, (preference being given to the male heirs among such as are of kin in equal degree ; ) and if there be no sons, then to so many of the daughters, as the same will accommodate as aforesaid, the said children or next of kin to whom the said estate shall be so assigned, or some friend for them, paying, or securing to be paid, to the other children of the intestate, their respective parts of the value thereof, in the same manner as is herein before directed, where one of the children takes the whole of the real estate ; and the said court, in directing the said payments to be made, or securities to be given, having regard to the value of the estate so assigned to the children or next of kin respectively.

SECT. XXIII. *And be it further enacted by the authority aforesaid*, That where any person, from and after the passing of this act, shall make his or her last will and testament, and afterwards shall marry, or have a child or children, not provided for in any such will, and die, leaving a widow and child, or either widow or child, although such child or children be born after the death of their father, every such person, so far as shall regard the widow or child or children after born, shall be deemed and construed to die intestate, and such child or children shall be entitled to such purparts, shares and divi-



dends of the estate, real and personal, of the deceased, as if he or she had actually died without any will; and in such cases the judges of the respective Orphans' Courts, so far as regards the wife after married, or child or children after born, shall have the same power and authority to make partitions, or where partitions cannot be made without prejudice to or spoiling the whole of that part of the estate devised to any child or children aforesaid, in that case to value, adjudge, and order the premises to the devisee or devisees of such part of the estate as cannot be divided as aforesaid, and, on the refusal of such devisee or devisees, to the children successively, as they may or can do where a person dies wholly intestate; and the devisee or devisees, or the child or children, to whom the premises shall be adjudged, shall pay the money, or give sufficient security for the same, as is herein directed, where the person dies intestate as aforesaid.

1794.

SECT. XXIV. *And be it further enacted by the authority aforesaid,* That when any final decree or sentence shall be pronounced by any Register's Court, the party or parties, his, her or their heirs, executors or administrators, against whom such decree or sentence, or judgment, shall be given, may appeal therefrom to the Supreme Court, in all cases and instances where the sum mentioned in the said decree, sentence or judgment, or the sum or other matter in controversy, shall exceed the sum of fifty pounds.

Appeal from the Register's Court.

SECT. XXV. *And be it further enacted by the authority aforesaid,* That the act, entitled "An act for the better settling of intestates' estates," and the act, entitled "A supplement to the act, entitled "An act for the better settling intestates' estates, and for repealing one other act of General Assembly of this province, entitled "An act for amending the laws relating to the partition and distribution of intestates' estates," (except the repealing clauses thereof,) be, and the same are hereby repealed, and made null and void: *Provided always,* That nothing herein contained shall in any degree affect the right or claim of any person or persons, which they may have acquired, or to which they may be entitled under any former laws, or prevent them from commencing any suit or suits, or carrying on and prosecuting any that may have been commenced, in the same manner, and with the same effect, as if this act had not been passed.

Repeal of former acts;

but not to affect titles or proceedings under them.

Passed 19th April, 1794.—Recorded in Law Book No. V. page 249. (m.)

(m.) By the 6th section of the royal charter, "the laws for regulating and governing property within the province, as well for the descent and enjoyment of lands, as likewise for the enjoyment and succession of goods and chattels, shall be and continue the same as they shall be, for the time being by the general course of the law in our kingdom of England, until the said laws shall be altered by the said William Penn, his heirs or assigns, and by the freemen of the said province, their delegates or deputies, or the greater part of them."—(See appendix.)

The following is the observation of Chief Justice *Kimsey*, upon the foregoing section.

"Although it should be made a question, whether the statute laws of England, by the royal charter or otherwise, did, or do extend to this province; yet as the common law is generally allowed to be in force here in such cases wherein no alterations have been made by acts of Assembly; and as it appears to have been resolved in the earl of Derby's case, 4 Inst. 284, that land granted by letters patent from the crown, though out of the realm of England, should de-

1794. scend according to the course of the common law, it is clear, that from the date of the charter, until acts of Assembly were made to alter the same, lands, within this province, descended according to the course of common law."—

A variety of laws were accordingly made, previous to the year 1700, to regulate intestates' estates, of which a brief review will be here given; together with Chief Justice *Kinsey's* notes, or observations thereon.

By an act passed at an Assembly held in March, 1683, (110th law,) it was enacted, "That the estate of an intestate shall go to his wife, his child, or children, and if he leave no wife, child, or children, it shall go to his brothers and sisters, if any be, or to the children of such brothers or sisters; and in case no such be, one half shall go to the parents, and the other half to the next of kin: And for want of parents, one half shall go to the Governor, and for want of kin, the other half to the public. *Providing, always,* That the time of claiming exceed not three years after the death of such intestate."

By the 172d law, passed in the following year, (May, 1684,) "One third of the personal estate shall go to the wife; and one third of the lands and tenements during her natural life; the remainder, together with the other two thirds of the estate, shall go to the children, the eldest son having a double part or share; and in case the intestate leaves no child, then half the personal estate to the widow, and the moiety of the real estate during her natural life, the remainder thereof to the next of her husband's kin. And if he leaveth no wife, child, or children, it shall go to his brothers and sisters, if any be, or to the children of such brothers and sisters; and in case no such be, one half shall go to the parents, and one half shall go to the Governor; and for want of kin, the other half to the public stock of the county. And the estate of an intestate widow shall go to her child or children, to be divided and shared as before; and if she leave no child or children, the estate to be disposed of as before, if any be. And the estate of an intestate single man or woman shall go to his or her brother and sister, if any be, and for want of such, as before limited. *Provided,* That his or her debts be first paid; and that the time of claiming be within three years after the decease of the intestate party."

"From the passing of this act," Chief Justice *Kinsey* observes, "the course of the descents of land was altered.

The eldest son, by this act, (where there were other children,) taking a double share only."

2. "By this act, it seems, where there were no children, the brothers and sisters, or their children, (where such there were,) of the intestate, took a joint estate; and where there were none, the parents took half the estate."

3. "This act continued to the year 1693, and then it received some alterations; amongst others, where there were no children, brothers or sisters, or their issue, were to inherit; and if there were none of these, it was to go to the parents; and for want of kindred, one half to the Governor, the other half to the county stock."

4. "The last mentioned act continued until 1700."

By the 188th law, passed in May, 1688, it was enacted, "That any person who died, or shall die intestate, being owner of lands within this province or territories, and hath left, or shall leave legal issue, it shall be lawful for the Court of Orphans, with the approbation of the Governor and Council, to empower the widow or administrator, in case of considerable debts, charge of child or children, to make sale of such parts or tracts of the said land, as the council and court shall judge meet, direct towards the defraying of such just debts, the education of such child or children, support of the widow, and the better improving the remainder of the estate to their advantage, and that this law continue and be in force for one whole year, and no longer."

Chief Justice *Kinsey* observes upon this act, "that it was continued to the year 1693, when executors and administrators were authorized to sell without the application here directed."

It appears by the petition of right in Governor *Fletcher's* time, the above law was declared to be in force on the 1st June, 1693, (See this petition prefixed to the first volume of this edition.)

But at an assembly held 15th of May and 1st of June, 1693, an act was passed entitled "The law about testates and intestates estates," by which it was enacted (in substance) after declaring real and personal estates liable to be taken in execution or sold by executors or administrators for payment of debts, "that the surplus of testators or personal estates after payment of debts, should be proportionably distributed according to their last wills; and the surplus of intestates' personal estates after payment of debts, should be distributed, one third to the wife, the residue among his children, and



such as legally represent them, (if any of them be dead) the eldest son having a double part or share; and if there be no children nor legal representatives of them, one moiety shall be allotted to the wife, the residue equally to intestates next of kin in equal degree, and those who represent them; and if intestate left no wife, child, or children, it shall go to his brothers and sisters, if any be, or to the children of such brothers and sisters; and in case no such shall be, it shall go to the parents; and for want of kindred, one half to the Governor for the time being, and the other half to the public stock of the county where such estate lyeth. And the personal estate of an intestate widow to go to her child or children, to be disposed of as aforesaid; and, of a single man or woman dying intestate, to go to his and their brothers and sisters, if any be, and for want of them, as before limited, *Provided*, That where testators, or intestates personal estates are sufficient to pay all debts, &c. then the real estate to be distributed in manner following. Testators' real estates to remain as their last wills and testaments devise the same; and one third of all intestates' lands to the wife for life, the residue to be allotted and distributed as the surplusage of personal estate is limited and directed.

Refunding bonds required, as well on the distribution of intestates, as of testates' estates. Claims not made within three years to be barred.

Executors and guardians to give bond, &c. to stand in force till they settle their accounts, and were legally discharged, and if any man shall refuse this honest care and charge in the government, unless he have five children to take care of, or is already executor to one will, or hath persons nearer related to him who in all likelihood will impose that charge upon him he shall be fined at the discretion of the court, who shall appoint another, &c."

"This act," says C. J. Kinsey continued to the year 1694, when another act was made authorizing sales of lands to be made by the widow or administrators, with the leave of the Governor and Council, or the county court, where there were debts to be paid, a charge of children, or it was necessary for the improvement of the residue of the estate, which last law continued to the year 1696."

2. "But then the first law was revived, which enabled executors or administrators to sell for payment of debts, and continued in force from the year 1696 to the 27th November, 1700."

"3. At which time two acts passed. The first entitled "An act for ascertaining the descent of lands, &c." whereby executors and administrators are authorized to sell their testators or intestates lands in manner directed by this act. The other act which passed the same session, is entitled "An act to empower widows and administrators to sell so much of the lands of intestates as may be sufficient to clear their debts, &c." which last mentioned act provides "That widows and administrators may sell so much lands of intestates (where there is not sufficient personal estate) as the Orphans' Court shall think fit, for payment of debts, education of children, and improvement of the residue.

4. "These acts continued till the 13th of the twelfth month 1705, and then were repealed."

The law about testates and intestates estates, or the act of revival, alluded to by the Chief Justice in No. 2, was passed in 1697, and is nearly in the same words as the act of 1693.

The act of 1700, for ascertaining the descent of lands, &c. alluded to in No. 3, after following the letter of the former acts, provides for the case of advancements to children, and declares that there shall be no representations admitted among collaterals, after brothers' and sisters' children; and the limitation for claims to be made is enlarged to seven years.

The act of 4th Anne, for the better settling of intestates estates, passed in 1705, (chap. 135,) is repealed by the act in the text.

The act directing the order of payment of debts of persons deceased, passed in 1705, (chap. 134,) is supplied by the act in the text.

An act for amending the laws relating to the partition and distribution of intestates estates, 22 Geo. 2, was passed 4th Feb'y, 1748-9, and repealed 23d March, 1764.

A supplement to the act, entitled "An act for the better settling intestates estates, and for repealing one other act of General Assembly of this province, entitled "An act for amending the laws relating to the partition and distribution of intestates estates, (chap. 512.) passed 25d of March, 1764, was repealed by the act in the text.

The old intestate laws are considerably altered by the act in the text, and that the reader may have a correct view of the change in the old law, the acts of 1705 and 1764, are herein inserted intire.

1794, *An ACT for the better settling of Intestates estates.*

*Be it enacted*, That the Register-General and his deputies, having power to grant letters of administration of the goods and chattels of persons dying intestate within this province, shall, upon their granting such letters of administration, take sufficient bonds, with two or more able securities, respect being had to the value of the estate, in the name of the Register-General, with the conditions in manner and form following, *mutatis mutandis, viz.*

“THE CONDITION OF THIS OBLIGATION IS SUCH, That if the within bounden A. B. administrator of all and singular the goods, chattels and credits of C. D. deceased, do make, or cause to be made a true and perfect inventory of all and singular the goods, chattels and credits of the said deceased, which have or shall come to the hands, possession or knowledge of him the said A. B. or into the hands and possession of any other person or persons for him: and the same so made do exhibit, or cause to be exhibited, into the Register's Office, in the county of \_\_\_\_\_ at or before the \_\_\_\_\_ day of \_\_\_\_\_ next ensuing; and

the same goods, chattels and credits, and all other the goods, chattels and credits of the said deceased at the time of his death, which at any time after shall come to the hands or possession of the said A. B. or into the hands and possession of any other person or persons for him, do well and truly administer according to law. And further do make, or cause to be made, a true and just account of his said administration, at or before the \_\_\_\_\_ day of \_\_\_\_\_

And all the rest and residue of the said goods, chattels and credits, which shall be found remaining upon the said administrator's accounts, the same being first examined and allowed of by the Orphans' Court of the county where the said administration is granted, shall deliver and pay unto such person or persons respectively as the said Orphans' Court, in the respective county, by their decree or sentence, pursuant to the true intent and meaning of this act, shall limit and appoint. And if it shall hereafter appear, that any last will and testament was made by the said deceased, and the executor or executors therein named do exhibit the same into the said Register's office, making request to have it allowed and approved accordingly: If the said A. B. within bounden, being thereunto required, do render and deliver the said letters of ad-

ministration, approbation of such testament being first had and made in the said Register's office, then this obligation to be void and of none effect, or else to remain in full force and virtue.”

Which bonds are hereby declared and enacted to be good, to all intents and purposes, and pleadable in any courts of justice; and also, that the said Orphans' Court, in the respective counties, shall and may, and are hereby enabled to proceed and call such administrators to account, for and touching the goods of any person dying intestate: And upon hearing, and due consideration thereof, to order and make just and equal distribution of what remaineth clear, after all debts, funeral and just expenses of every sort, first allowed and deducted, amongst the wife and children, or children's children, if any such be, or otherwise to the next of kindred to the dead person, in equal degree, or legally representing their stocks, to every one his right, according to the laws in such cases, and to the rules and limitations hereafter set down: and the same distributions to decree and settle, and to compel such administrators to observe and pay the same, by the due course of laws of this province; saving to every one supposing him or themselves aggrieved, their right of appeal to the Provincial or Supreme Court of this province.

11. *Provided always*, That the said Orphans' Court in each county, which is by this act enabled to make distribution of the surplusage of the estate of any person dying intestate, shall distribute the whole surplusage of such estate or estates in manner and form following, that is to say, one third part of the said surplusage to the wife of the intestate, and all the residue, by equal portions, to and amongst the children of such person dying intestate, allowing the eldest son two shares; and to such persons as legally represent such children, in case any of the said children be then dead (other than such child or children who shall have any estate by the settlement of the intestate, or shall be advanced by him in his life-time, by portion or portions, equal to the share which shall by such distribution be allotted to the other children) to whom such distribution is to be made. And in case any child who shall have any estate by settlement from the intestate, or shall be advanced by the said intestate in his life-time by portion, not equal to the share which will be due to the other children by such distribution as aforesaid, then so



much of the surplusage of the estate of such intestate to be distributed to such child or children, as shall have any land by settlement from the intestate, or were advanced in the life-time of the intestate, as shall make the estate of all the said children to be equal, as near as can be estimated, the eldest son being allowed two shares as aforesaid. And in case there be no children, nor any legal representatives of them, then one moiety of the said estate to be allotted to the wife of the intestate, and the residue of the said estate to be distributed equally to every of the next kindred of the intestate, who are in equal degree, and those who legally represent them: *Provided*, That there be no representatives admitted amongst collaterals, after brothers and sisters children. And in case there be no wife, then all the said estate to be distributed equally to and amongst the children, the eldest son to have two shares as aforesaid. And in case there be no child, then to the next of kindred in equal degree of or unto the intestate, and their legal representatives as aforesaid, and in no other manner aforesaid.

III. *Provided also*, and to the end that a due regard be had to creditors, That no such distribution of the goods of any person dying intestate be made, till after one year be fully expired after the intestate's death. And that such and every one to whom any distribution and share shall be allotted, shall give bond, with sufficient securities, in the said Orphans' Court, that if any debt or debts truly owing by the intestate shall be afterwards sued for and recovered, or otherwise duly made to appear, that then, and in every such case, he or she shall respectively refund and pay back to the administrator his or her rateable part of that debt or debts, and of the cost of suit and charges of the administrator, by reason of such debts, out of the part and share so as aforesaid allotted to him or her, thereby to enable the said administrator to pay and satisfy the said debt or debts, so discovered, after the distribution made as aforesaid.

IV. *Provided always, and be it further enacted*, That in all cases, where the Register-General hath used heretofore to grant administration, with a testament annexed, he shall continue so to do; and the will of the deceased, in such testament expressed, shall be performed and observed in such manner as it should have been if this act had never been made.

the intestate's relations, and persons concerned, who shall not lay legal claim to their respective shares, within seven years after the decease of the intestate, shall be debarred from the same for ever.

VI. *And be it further enacted*, That if any person or persons shall die intestate, being owners of lands or tenements within this province at the time of their death, and leave lawful issue to survive them, but not a sufficient personal estate to pay their just debts and maintain their children, in such case, it shall be lawful for the administrator or administrators of such deceased to sell and convey such part or parts of the said lands or tenements, for defraying their just debts, maintenance of their children, and for putting them apprentices, and teaching them to read and write, and for improvement of the residue of the estate, if any be, to their advantage, as the Orphans' Court of the county where such estate lies shall think fit to allow, order and direct from time to time.

VII. *Provided always*, That no lands or tenements, contained in any marriage settlement, shall, by virtue of this act, be sold or disposed of, contrary to the form and effect of such settlement; nor shall any Orphans' Court allow or order any intestate's lands or tenements to be sold before the administrator, requesting the same, doth exhibit one or more true and perfect inventories and conscionable appraisement of all the intestate's personal estate whatsoever, as also a just and true account, upon his or her solemn affirmation, of all the intestate's debts which shall be then come to his or her knowledge; and if thereupon it shall appear to the court, that the intestate's personal estate will not be sufficient to pay the debts and maintain the children, until the eldest of them attains to the age of twenty-one years, or to put them out to be apprentices, and teach them to read and write, then, and in every such case, and not otherwise, the court shall allow such administrator to make public sale of so much of the said lands, as the court, upon the best computation they can make of the value thereof, shall judge necessary for the purposes aforesaid, reserving the mansion-house and most profitable part of the estate till the last. But before any such sale be made, the court shall order so many writings to be made by the clerk, upon parchment or good paper, as the court shall think fit, to signify and give notice of such sales, and of the day and hour when, and the place where the same will be,

1794.

and what lands are to be sold, and where they lie; which notice shall be delivered to the Sheriff or Constables, in order to be fixed in the most public places of the county or city, at least ten days before sale; and the Sheriffs or Constables are hereby required to make publication accordingly, and the administrator that makes such sale shall bring his or her proceedings therein to the next Orphans' Court, after the sale made. And if it shall happen that any lands be sold, by virtue of this act, for more than the Court's computation of the value thereof, then the administrator shall be accountable for the same, as by this act is required for intestates personal estates.

VIII. *And be it further enacted*, That the surplusage or remaining part of the intestate's lands, tenements and hereditaments, not sold, or ordered to be sold by virtue of this act, and not otherwise limited by marriage settlement, shall be divided between the intestate's widow and children, or the survivors of them, who shall equally inherit and make partition, as tenants in common may or can do. But if the intestate leaves a widow and no child, then such widow or relict shall inherit one moiety or half part of the said lands and tenements, and the other moiety shall descend and come to the intestate's next heir, according to the course of the common law. But if the intestate leaves no widow nor child living at the time of his death, or if the children all die in their minority, without issue, then the said lands and tenements shall descend and come to the intestate's heir at law, according to the course aforesaid. But if any of the intestate's children, dying before the intestate, shall leave lawful issue, such issue shall equally inherit the intestate's lands and tenements, with their uncles or aunts, and make partition as aforesaid.

IX. *Provided always*, That no widow or child of any intestate, having so much land by settlement from the said intestate, as, by the said Court's computation of the value thereof, shall be equal to the share or purpart of the intestate's lands, which by this act are to be allotted to any of the other children in manner aforesaid, then such widow or child, so provided for, shall have no share of the said surplusage of the intestate's other lands. But if the value of the land, so settled by the intestate, shall not, by the computation aforesaid, amount to an equal share, then the said court shall allot to the party so much of the said other lands, as shall make the shares or estate of

the widow and all the said children equal, as near as can be estimated, the eldest son having a double share as aforesaid.

X. *Provided also*, That nothing in this act contained shall give any widow a right or claim to any part of such lands or tenements, for her dower or thirds, as shall yield yearly rents, or profits, whereof her husband died seized, for any longer time than the term of her natural life; which dower she shall hold as tenants in dower do in England. And the said profitable lands or tenements, and the unimproved or rough land next adjacent thereto, shall not be sold, but for payment of the intestate's debts.

XI. *Provided also*, That no partition of the lands or tenements which are to be divided by this act, shall be made by or for the relict or younger children of the intestate, if the heir at law will, within the space of twelve months, pay so much money, or other effects, to the person or persons demanding such partition, as their respective shares or purparts shall amount unto, by the valuation of four or more persons indifferently chosen by both parties, or by an inquest appointed by the Orphans' Court to value the same, where the parties cannot otherwise agree. And the person or persons, whether minors or others, to whom, or for whose use, payment or satisfaction shall be made for their respective purparts by the heir at law, in manner aforesaid, shall be forever debarred of all the right, title and demand, which he or they can or may have, of, in or to such share or purparts, by virtue of this act; but the same shall be held and enjoyed by the heir at law, as freely and fully as the intestate held the same.

XII. And in case such intestate shall have no known kindred, then all his lands, tenements and hereditaments, shall escheat or go to the immediate landlord of whom such lands are held, his heirs and assigns; and if immediately held of the proprietary, then to the proprietary, his heirs and assigns; and all the goods, chattels and personal estate whatsoever, of such person dying intestate, and without kindred as aforesaid, shall go to the proprietary and governor, his executors or administrators. But if any of the said intestate's relations shall appear, and make their claims to such intestate's personal estates within seven years after the decease of the intestate, they shall be restored thereunto.

XIII. And if the lawful heir to any such lands or tenements shall at any time, within twenty-one years after the



intestate's decease, appear, he may traverse the inquisition or office found for the land so escheated, and recover the same, paying the lord or person in possession, for the improvements made thereupon, according to the valuation of twelve men.

*A supplement to the act, entitled "An act for the better settling intestates estates, and for repealing one other act of General Assembly of this province, entitled "An act for amending the laws relating to the partition and distribution of intestates estates."*

Whereas an act of General Assembly of this province was passed in the fourth year of Queen Anne, entitled "An act for the better settling intestates estates, which, by one other act, passed in the twenty-second year of his late majesty King George the second, was in some parts thereof altered, explained and amended; and forasmuch as some further explanations and amendments are found necessary; therefore, and in order to reduce the laws relating to intestates estates into as few acts as may be, and repealing such as shall thereby become of no further service, *Be it enacted*, That from and after the fourth day of February, one thousand seven hundred and forty-eight, if after the death of any father and mother any of their children hath died, or, at any time after the passing of this act, shall die intestate, in their minority, unmarried, and without issue, but not otherwise, the lands, tenements, hereditaments and estates, real and personal, of every such intestate, shall be equally divided amongst the surviving children, and the representatives of any child or children then dead, those representatives taking only such part or share, as should have passed to the child or children they represent respectively in severalty forever. But if any child, either of age or in his or her minority, having or being entitled to any personal estate under such father, shall, after the passing of this act, die intestate, unmarried, and without issue, during the life of his or her mother, all such personal estate shall be equally divided between such mother of the deceased, and his or her brothers and sisters, and their legal representatives, in case any such brother or sister be then dead, they the said representatives only taking the share that should have passed to his, her or their parents, had he or she been living.

11. *And be it further enacted*, That the shares and purparts of intestates real

estates, which by the act for settling intestates estates aforesaid are given to widows, shall be construed and understood to be estates for their natural lives respectively, and not otherwise.

111. And to prevent any doubts which may hereafter arise, concerning the manner in which the partition of intestates estates may be made, *Be it enacted*, That it shall and may be lawful to and for the Justices of the Orphans' Court of the county in which the lands and tenements of intestates shall be, upon a petition to them presented by the widow or relict, or by any child or children of such intestate, if of age, or by his or her, or by their guardian or guardians, or next friends, if under age, to appoint four or more persons, indifferently chosen on behalf and with consent of the parties, or, where the parties cannot agree, to award an inquest, to make partition according to the purport and true meaning of the act for settling intestates estates herein before mentioned; but so, nevertheless, that due regard be had to the amendments made by this act; and upon the return to them made by the persons so to be appointed, or of the inquisition so to be taken, to give judgment, that the partition thereby made do remain firm and stable for ever, and that the cost arising on such suit or suits be paid by all the parties concerned.

1V. *Provided nevertheless*, That where any estate in lands, tenements and hereditaments, cannot be divided amongst the children, or widow and children of the intestate, without prejudice to or spoiling of the whole, the same being so represented and made appear to the Orphans' Court of the county where the same lands or tenements shall be, then the said court may, but not otherwise, order the whole to the eldest son, if he shall accept it, or any of the other sons successively, upon the eldest son's refusal; or if there be no son, or all the sons refuse, then to the eldest daughter of the said intestate, and on her refusal, to any other of the said daughters successively; he or they, or some friend for him, her or them, paying to the other children of the intestate their equal and proportionable parts of the true value of such lands, tenements or hereditaments, as upon a just appraisement thereof, pursuant to the act for settling intestates estates aforesaid, is directed, or giving good security for the payment thereof in some reasonable time, as the said Orphans' Court shall limit and appoint; and the person or persons to whom, or whose use, payment or satisfaction shall be so made for their respective parts or shares

1794.

of the deceased's lands, in manner aforesaid, shall be forever barred of all right, title or demand, of, in, to or out of, the intestate's lands and tenements aforesaid. But where the wife is living, and the whole premises shall be adjudged and ordered to the heir at law, or any other of the children, the wife of the person so deceased shall not be entitled to the sum at which the purpart or share of her estate, so as aforesaid ordered to her heir at law, or any of the children, shall be valued, but the same, together with the interest thereof, shall be and remain charged upon the premises, and the interest thereof shall be regularly and annually paid by the heir at law, or such other child to whom the same shall be adjudged, his or her heirs or assigns holding the said lands, to be recovered by such mother, by distress or otherwise, as rents in this province are usually recovered, to his or her said mother, during her natural life; which the said mother shall accept and receive, in lieu of full satisfaction for her dower at common law: And at the decease of the said mother the said principal sum, so as aforesaid valued and adjudged, shall be paid by the said heir at law, or other child aforesaid, to whom the same shall be adjudged, his or her heirs or assigns holding the premises, and shall be distributed and divided by the said court to and among the said children of her husband, and their representatives, according to the directions of the act of Assembly herein before mentioned, made in the fourth year of Queen Anne, allotting two shares to the eldest son, or to his representative or representatives.

v. *And be it further enacted*, That where any person, from and after the fourth day of February, one thousand seven hundred and forty-eight, hath made, or hereafter shall make, his or her last will and testament, and afterwards hath married or had, or after the passing of this act shall marry or have, a child or children not provided for in any such will, and die, although such children be born after the death of their father, every such person, so far as shall regard the child or children after born, shall be deemed and construed to die intestate, and such child or children shall be entitled to like purparts, shares and dividends of the estate, real and personal, of the deceased, as if he or she had actually died without any will: And in such cases the Justices of the respective Orphans' Courts, so far as regards the wife after married, or child or children after born, shall have the same power and authority to make partitions, or where partitions cannot be

made, without prejudice to or spoiling the whole of that part of the estate devised to any child or children aforesaid, in that case to value, adjudge and order the premises to the devisee or devisees of such part of the estate as cannot be divided as aforesaid, and on the refusal of such devisee or devisees, to the children successively, as they may or can do where a person dies wholly intestate; and the devisee or devisees, or the child or children to whom the premises shall be adjudged, shall pay the money, or give sufficient security for the same, as is herein directed where the person dies intestate as aforesaid.

vi. *And be it further enacted*, That so much of the act of Assembly herein before recited, entitled "An act for better settling intestates estates," as is herein and hereby altered, or is repugnant to the provisions made by this act, shall be and is hereby repealed, made null and void, any thing in the said act contained to the contrary thereof notwithstanding.

vii. *And be it further enacted*, That the act herein before mentioned, passed in the twenty-second year of the late king George the second, entitled "An act for amending the laws relating to the partition and distribution of intestates estates," and every part thereof, shall be and is hereby declared to be repealed, and made null and void, to all intents and purposes whatsoever.

viii. *Provided nevertheless*, That nothing in this act contained shall be deemed, construed or taken to bar, defeat or destroy any right, title or interest, heretofore arisen or accrued to any person or persons, of, in, or to any estate, real or personal, or to alter or make void any settlements or partitions of intestates estates, made in virtue of the act herein last before recited, and hereby repealed.

See vol. 1, page 81, (chap. 197,) and the notes thereto subjoined, and the act for the probate of wills, *ib.* page 33, (chap. 133,) and the notes thereto subjoined.

The following cases have occurred under the former intestate laws.

*Anonymous, 1774.*

*John Fisher* having two sons and a daughter, made his will, and devised his plantation to his son *Matthias* in fee. *Matthias* died intestate, in his minority, without issue.

*Question*; Whether his heirs at common law shall take, or it shall divide among his other brother and sisters, under the supplemental intestate law, (23d March, 1764.)

On a trial in ejectment for the plantation, it was agreed by counsel, that



the opinion of the court should be conclusive to the jury.

Mr. Justice *Willing*, and Justice *Lawrence*, were of opinion, and so delivered it to the jury, that the estate should be divided; and the plaintiff suffered a nonsuit. 1 *Dallas' Rep.* 20.

The same point was solemnly decided in *Kerlin's lessee v. Bull*, 1 *Dallas' Rep.* 175.

*Walton v. Willis*, 1 *Dallas' Rep.* 265. Where an heir at law took an intestate's lands at a valuation, it had been the practice of the Orphans' Court throughout the state, only to require him to give bonds to those who were entitled, under the act of Assembly, to a distributive share of his estate.

The Chief Justice said, in the course of the argument in this cause, that the practice above mentioned, was illegal and improper; for the Orphans' Courts ought, instead of bonds, which are a mere personal security, to take *recognizances*, by which the lands would be bound for the payment of the distributive shares. He added, that the court would not enter into a retrospect upon this subject; but that, for the future, they would expect a conformity to the opinion now given.

And afterwards, in the same case, *ib.* page 351, being an appeal to the Supreme Court from the Orphans' Court of Philadelphia county, *M'Kean, C. J.* stated the case, and delivered the opinion of the court, in the following manner.

*Elizabeth Willis* being seized of the premises, died intestate, leaving issue a daughter, named *Elizabeth*, who had intermarried with *Samuel Walton* the appellant, and by him had issue two sons, *Joseph* and *Boaz*; and four grand-children, to wit, *Thomas* the respondent, *Solomon*, *Musgrove* and *Rebecca*, being the children of her son *Solomon Willis*, deceased, who had died before her, intestate. The daughter, *Elizabeth Walton*, died after her mother and her husband, the appellant, and their two children, before named, survived her. *Thomas Willis*, the respondent, applied by petition to the Orphans' Court of the county of Philadelphia, held on the 1st of April, 1782, for a partition of the premises, or, if they could not be divided without prejudice to, or spoiling the whole estate, that a valuation thereof might be made agreeably to the directions of the acts of Assembly in such case made and provided. An inquest was accordingly had, and a return made, that the premises could not be divided without prejudice to, or spoiling the whole, and valuing the same at £. 358. This return was

confirmed by the court on the 10th of June, 1782, and the premises were adjudged to, and accepted by *Thomas Willis*, the respondent, at the above valuation; and for securing the payment of that sum in due proportions to the other grand-children, he offered to the court two sureties, who were approved of, and directed to give bonds in the office of the clerk of the court, unto the other grand-children, for their respective shares; but no such bonds or security have yet been given.

On these proceedings an appeal is brought before this court; and, upon the argument, the counsel have done great justice to their respective clients. It was our wish, however, that the opinions and practice of the several Orphans' Courts of Pennsylvania, had been ascertained in cases of this description; and that we might be informed, whether any case upon similar principles, had been ever determined in the Supreme Court; for we should be exceedingly cautious in pronouncing a judgment that might shake estates held in this way. As we have not yet obtained full satisfaction on this head, we would still wish to defer giving our opinion; but that we think it proper, from the length of time the cause has been under advisement to proceed upon the lights we have received.

On the part of the appellant six exceptions have been taken to the proceedings in the Orphans' Court.

1. That it is no where mentioned who are the representatives of *Elizabeth Willis*, the intestate; nor into how many parts the estate should be divided; but the whole is left to the sheriff.

2. That the court had adjudged the estate to a grandson; whereas they had no authority to go beyond the first degree in the descending line.

3. That even if the acts of Assembly did empower the court to go farther, to wit, to the grand-children, yet that the adjudication ought to have been to all the children of the eldest son, and not to his eldest son exclusively.

4. That no provision is made for the appellant, *Samuel Walton*, who is tenant by the curtesy of his wife's share, to wit, of a third part, in three parts to be divided.

5. That the judgment is uncertain with respect to the valuation money; inasmuch as the amount of each share is not particularized, nor the time of payment limited.

6. That the partition ought to be made by one inquest, if practicable; but if not practicable, and so returned, the valuation ought to have been made by another inquest; and that on the

1794.

1794.

whole, no estate can be vested in *Thomas Willis*, by his acceptance at the valuation, as no security has yet been given for the money.

The weight of these exceptions depends on the due construction of the act of Assembly, entitled "An act for the better settling of intestates estates," the supplement to that act, and the practice under both of them.

1. With respect to the *first* exception; we think it would be well for the party praying for a partition of an intestate's real estate, to be particular in the names of the persons entitled to shares, and of the purparty of each; and in this respect to pursue the form of a declaration in partition, and of the return of a writ *de partitione facienda*. But to reverse an inquest for this omission, would certainly affect many estates, as these proceedings in the *Orphans' Courts*, are frequently drawn by persons not much skilled in strict forms; and in the present case, as the return of the sheriff has been, that the estate could not be divided without prejudice to, or spoiling the whole, no wrong or damage seems to have been done to any one. For these reasons we must overrule this objection.

2. The *second* exception introduces a question, whether a *grandson*, that is, the eldest son of the eldest son of the intestate, is entitled to an estate, which cannot be divided, at the valuation, in the same manner as his *father*? And this must be decided by the words, purview, and intent of the legislature, in the two acts of Assembly which have already been cited. The *main intent* of these acts, appears to have been, that real estates should be divided among the children, or representatives in the descending line of an intestate; and not descend to the heir at common law. But a *secondary*, and the *next intent*, seems to have been, to prevent estates from being split and frittered into many parts, to their manifest prejudice; and accordingly, it is provided, that where that would happen, the eldest son, or heir at law, should have his election of taking the land at a valuation, to be made in the manner prescribed in the acts.

The reason of a law will have a great influence in determining its *extent*, and on the present occasion, the reason alluded to, is much stronger in the case of a *grandson*, than of a *son*; for in this case, the distributive shares will probably be most numerous, and, consequently, most injurious to the land by a partition or division. The words "heir at law," in both acts, are, in

strict grammatical construction, an expression, or substitute for *eldest son*; but the reason of the law, and the usage ever since the passing those acts of Assembly, (as we have been informed) will warrant a more extensive and beneficial interpretation of them. We think, therefore, that this objection likewise fails, as well as

3. The *third* objection, which we overrule; *Thomas* being alone the heir at common law.

4. But the *fourth* exception appears to the court to be *fatal*. There ought to have been a provision made for *Samuel Walton*, who had an estate for life by the curtesy, and yet he is not even named in the *sentence*, or *decree* of the court below. When a writ *de partitione facienda* is issued, the sheriff is obliged to *summon* all the parties to attend; and if they do attend, he must make partition in their *presence*. The same thing is not, indeed, *expressly* required in the partition, or valuation to be made under the acts of Assembly; yet natural justice, and the constant rules of all courts require, that every person, who is interested in the proceedings, should be *summoned* and *heard*, 3 Mod. 378. It may not, perhaps, be the practice, nor is it necessary in this case, that it should be *set out in the return by the inquest*, though we would wish that to be done, but it is essential to justice that all parties should in fact have notice. On the proceedings before the *Orphans' Court*, the appellant has not been made even a *party* in the decree; and the presumption, of course, is, that he was neither *summoned*, nor *present*. If he had been present, he might possibly have urged such arguments, as would have induced the inquest to have put a higher estimate, or value, upon the premises, and an opportunity ought to have been given to him for that purpose.

5. As to the *fifth* exception; there does not appear to be sufficient certainty in the sentence of the court: inasmuch as the purparts of the valuation money are not specified, nor the time of payment fixed. But this court might reduce both these points to certainty, were there no other exceptions; and in that case, the whole costs of the appeal would fall upon the respondent.

6. On the *sixth* exception, we must observe, that the practice in the *Orphans' Courts* has been to direct the same inquest, which is appointed to make partition of real estate, if that cannot be done without prejudicing the whole, then to make the valuation. This court, therefore, will not now un-



dertake to alter this long established practice, though it is liable to some exceptions. But we are of opinion, that the fee in the premises cannot yet be vested in *Thomas Willis*, as he neither paid, nor secured the payment of the valuation money to those who are entitled to receive it.

Upon the whole let the sentence, and decree of the Orphans' Court, be reversed.

Upon the death of a man, intestate, his lands are bound for the payment of his debts in such a manner, that they may be taken in execution and sold, notwithstanding the heir may have previously sold and conveyed the same to *bona fide* purchasers; and in such case, the purchaser from one heir is bound to contribute in aid of the other heirs, whose lands remain unsold. *Graff v. Smith's administrators*, 1 *Dallas*, 481. But on this subject, see the notes to chap. 48, vol. 1, page 8, and sect. 21, of the act in the text with respect to purchasers under an order of the Orphans' Court.

And see the construction of the 21st section of the act in the text, in *Molieres' lessee v. Noc*, 4 *Dallas' Rep.* 450. In which it is held, that a purchaser of intestates' lands under an order of Orphans' Court, is protected from the lien of judgments, as well as other debts of intestate; but not from mortgages.

The act of 1705, only regulated the descent of lands among the children, where the father was seized thereof, and might dispose of them by deed or will.

This principle was held in the cases of the *Lessees of Souder and wife*, and *Shultz and wife*, v. *Morningstar*, at York, Nisi Prius, October, 1793, before *McKean*, C. J. and *Yeates J.* (*MSS. Reports.*)

On the 15th of July, 1745, *John George Countz* conveyed, by deed, the premises in the declaration mentioned, containing 150 acres, "to *Philip Morningstar*, (father of defendant, and wives of the plaintiff's lessors,) and his heirs begotten on his present wife *Eve Morningstar*, forever, to have and to hold the same to the said P. and his heirs born of his present wife *Eve* forever, with covenant of warranty."

The question submitted to the court for their decision, was, whether the lands intailed by this deed, descend agreeably to the course of the common law, *per formam doni*, or are to be distributed according to the acts of Assembly regulating the estates of intestates.

For the plaintiffs, it was contended, that wherever the ancestor takes an

estate of freehold, and an estate is limited either mediately or immediately to his heirs, they are to be deemed words of limitation and not of purchase. *Shalley's case*, 1 *Rep.* 104 a. This rule is unshaken. Where the heir takes in the character of heir, he must take in the Quality of heir. *Jones v. Morgan*, 1 Bro. Chan. ca. 216, all heirs taking as heirs, must take by descent, *ib.* 219. In England the leading custom is, that the eldest son shall inherit lands: But it is otherwise in Pennsylvania, where all the children by the act of 1705, are put upon an equal footing, except that the eldest son takes a double share. The intestate act of 1705, is a general law of descents and distribution. 1 *Dallas' Rep.* 482, one co-heir shall have contribution against another co-heir, under our laws of descent, *ib.* 484-5. Our constitution and laws favour equality among the heirs and distribution of estates, *ib.* 178. The children of an intestate take by descent analogous to the heirs of gavel-kind lands. Where lands of the nature of gavel-kind are given to B. and his heirs, he having issue divers sons, all his sons after his decease shall inherit Co. Lit. 10, a. One seized of lands in gavel-kind, gives or devises the same to a man and his eldest heirs, he cannot hereby alter the customary inheritance, and the law rejecteth the adjective "eldest," *ib.* 27, a-b, all the heirs shall inherit an estate tail in gavel-kind lands, *Weeks v. Carvel*, Noy. 196. Upon recovery of lands in borough English, writ of error descends according to the lands, 1 Leon. 261. He who is special heir by the custom, as of Borough English land, shall bring the writ of error, and not the heir at common law, 4 Leon. 5. A conveyance of gavel-kind lands obtained from persons uninformed of their rights, was set aside though there was no actual fraud or imposition, 2 Bro. Chan. Ca. 151, A. having three sons, B. C. and D. D. died, leaving a daughter E. A. purchased lands in Borough English, and died. Adjudged they shall descend to E. 2 *Ld. Raym.* 1024. Each son takes a part of gavel-kind lands, but the youngest son takes the whole of Borough English lands, *ib.* 1025, one seized of lands in Borough English made a feoffment to the use of himself and the heirs male of his body begotten, *secundum cursum communis legis*; and held, that the youngest son shall have them by descent notwithstanding. *Dyer*. 179, b. pl. 45. Heirs male of testator's body may be meant as synonymous to issue male. Cowp. 314. In a provision for children by marriage settlements, all are entitled; for as there are no chil-

1794. dren *in esse* before marriage to whom it can be applied, it must mean all; and there is no place to draw the line in; nor any reason why it should be for one more than another. It is a parental provision made as a debt of nature, and therefore all are entitled. 1 Vez. 114. We are credibly informed that a decision similar to what we contend for, has taken place in *Connecticut*, in the case of *Chester v. Chester*. And we further contend, that our construction supports the real intention of the conveyance, and the true spirit of the laws and constitution of this commonwealth. We have nothing further to do with the pride of family in the character of an elder son.

The counsel for the defendant were prepared to proceed in the argument, when they were told by the court, that they would be saved that trouble.

The court observed, that it was too late now to stir this point, whatever reason there might have been for it in the first instance. The invariable opinion of lawyers, since the act of 1705, had been, that lands intailed descended according to the course of the common law, and it has been understood generally, that it has been so adjudged in early times. All the common recoveries which have been suffered by the heirs of donees in tail, have been conformable to that principle. As to gavelkind lands, it is observed by Mr. *Hargrave*, (Co. Lit. 10 a. note 3,) that all the sons are as much heirs to such land, as the eldest son is heir to land descending according to the course of the common law. The custom of gavelkind extends to estates tail, and that too, irresistibly, according to some authorities; and cites, *Dyer*, 179, b. *Robins*. Gavelk. 94—on this custom, therefore alone, depend all the resolutions. Our act of 1705, only regulates the descent of lands amongst the children, where the father is seized thereof, and might dispose of them by deed or will; it leaves other cases of descent as they were at common law; and hence an elder brother succeeds to the estate of a younger brother, who dies intestate, unmarried, and of full age, in preference to his other brothers and sisters. In the present case, the lands are claimed under the grandfather, *per formam doni*, through the father. We are clearly of opinion with the defendant.

So a trust estate, in *Pennsylvania*, descends, in case of intestacy, to the heir at common law. Lessee of *Jenks v. Backhouse*. 1 Binney, 91, which also recognizes the foregoing case.

Under the act of 1705, the real estate of a mother, being a widow, is subject

to the same rules of distribution, as that of a father dying intestate, (*MSS. Rep. Sup. Court. December, 1799*.) *Eshelman's lessee v. Hoke*.

And in the case of *Joseph Duncan*, administrator of *Dinah Duncan*, v. administrators of *Daniel Duncan*, deceased, The following case was stated for the opinion of the court, at the circuit court at *Carlisle*.

The said *Dinah Duncan* was the widow of the aforesaid *Daniel*, and died on the 4th January, 1791.

It is agreed, that the defendants having made distribution of the estate of the said *Daniel Duncan*, among his representatives, that distribution shall stand as far as it has been made; and that the plaintiff shall only claim his share of his mother, the said *Dinah's* estate, as her eldest son; and it is submitted to the court, to determine whether the said *Joseph Duncan*, as eldest son of the said *Dinah*, is entitled to two shares of her estate, she having died before the passing the late act of distribution; and upon the courts determination of that question, referees are appointed to settle the account between the parties; but the defendants not to be accountable to the plaintiff, further than his distributive share of his said mother's estate.

For the defendants it was insisted, that the 2d section of the act of 1705, only respected the case of a father dying intestate; of one capable of having a wife according to the provisions of the enacting clause; and that the pronouns *him* and *his* were not applicable to a mother dying intestate. In *Holt v. Frederick*, 2, P. Wms. 356, it was decreed, that the act of distributions was founded on the custom of *London*, which never affected a widow's personal estate; and if a mother, being a widow, makes advancements to a child, and dies intestate, having other children, the child so advanced, shall not bring what he received from his mother into hotchpot.

*Yeates*, J. said, that he thought this point had been at rest, since the decision of the case between the lessee of *Eshelman v. Hoke*, in bank, Dec'r, 1799, which settled the question as to the mother's lands; that the uniform practice had been to distribute the personal property of widows, who were mothers, in the same manner as that of fathers, under the law of 1705; and that the words *him* or *his*, included as well the female as male sex, by the fair rules of construction. See 2 Vez. 213.

*Brackenridge*, J. said, he had not fully made up his mind on the subject; the determination was therefore postponed.



But, in the term of September, following, the case being stated to *Shippen, C. J. and Smith, J.* the court were unanimously of opinion, that the plaintiff was entitled to two shares of the surplusage of the personal estate of his mother, as her eldest son. (*MSS. Reports.*) 1801.

In the lessee of *Richard Dearmond v. Mary Robinson and others*, Northumberland, October, 1798, before *Yeates and Smith, Justices.* (*MSS. Reports.*) In the course of the trial, it was admitted by the counsel on both sides, and resolved by the court; that no child or children of the intestate, could, by their acts, defeat the operation of the law of 23d May, 1764, as to the appraisement of the lands of the ancestor, where the same could not be divided without prejudice to, or spoiling of the whole. By their deeds, they can transfer no more than their qualified interests in the lands, and their assignees hold the same precisely in the same manner as they themselves held them, subject to an eventual appraisement. It is evident, that in the first instance, the lands are subjected to the payment of the debts of the parent, and the purparts of each of the children, are bound by judgments had against them respectively. When the real estate is transmuted into personalty, under the operation of the law, by approved security being given in the Orphans' Court for the amount of the appraisement, the former incumbrances on the children's undivided shares of the lands, cease, and are transferred into liens on their respective purparts of the valuation. The creditors by mortgage or judgement still retain a legal preference as to their demands to a proportion of the appraisement, corresponding with the children's interest in the lands.

Where there is a balance due to the administrators, or judgments unsatisfied against the intestate, the shares of the several children in the appraisement, must necessarily be diminished in proportion thereto. The liens of the respective judgment creditors against the different children, must also be deducted from their purparts. Under such circumstances, the children would not be entitled to their shares of the valuation, unless they gave refunding bonds.

In the case of *Michael Hubley*, president of the Orphans' Court of Lancaster county, v. *James Hamilton, Lancaster*, May, 1794.—Before *M'Kean, C. J. & Yeates, J.* which was debt on recognizance, on the valuation of the real estate of a person who had died intestate. A question was made, whether on the valuation of real estate of an intestate, in case it could not be divi-

ded, without prejudice to, or spoiling the whole, the person accepting it, was bound to pay interest for the distributive shares of the other children, from the time of the confirmation of the inquisition and his acceptance of the lands, or from the time limited and appointed by the Orphans' Court for the payment thereof.

*Per Cur.* The practice in Lancaster, and most of the western counties, has been uniformly only to charge interest from the time affixed by the Orphans' Court, and most appraisements probably have been made under the idea of the usage. It might be inequitable, therefore, to make this case an exception out of the general custom. But the act of 4th Geo. 3, (1764,) does not warrant this construction. The men appointed by the Orphans' Court, or where the parties cannot agree, the inquest, are to make a just appraisement. The Orphans' Court are appointed to limit a reasonable time, for the payment of the shares of the other children, but not to control, or substantially alter the sum affixed by those, on whom that duty devolves by law. Upon the same principles precisely, that a widow, under the practice, gets her interest, on one third of the principal charged on the lands, from the time of a child's acceptance of the real property at a valuation, in order to obtain a subsistence thereout, the children ought to receive the interest on their distributive shares, from the same period, and for the same purposes. The present usage is fundamentally wrong, and must in future be altered. (*MSS. Reports.*)

It will be observed that most of the authorities before cited, apply equally to the existing state of the intestate laws. We will now proceed to state the alterations in, or additions to the act in the text; and also the cases which have since been decided.

By a supplement to the act in the text, passed 4th of April, 1797, (chap. 1938,) it is enacted, that when any legatee, creditor, or person interested in the real or personal estate of a person who has heretofore died, or hereafter shall die, with a last will or testament, or surety in any administration bond for administering the estate of any decedent, shall declare on oath or affirmation, that he, she, or they, have sufficient cause to believe that the executors or administrators, with or without a will annexed, of such decedent, are wasting or mismanaging the estate of such decedent, and shall make application for security to the Orphans' Court of the county in which letters testa-

1794.

mentary, or letters of administration, with or without a will annexed, have been, or shall be granted, the said Orphans' Court are hereby empowered to examine the cause of complaint; and if it should appear to them that the same is just, it shall and may be lawful for such court to order such executors or administrators to give such sufficient bond, with sureties, or such further security as they may judge necessary, according to the value of the estate, which securities shall be taken and filed in the said Orphans' Court, in the name of the Commonwealth of *Pennsylvania*, and the said bonds shall be deemed and considered in trust, for the benefit of all persons interested in said estate, whether as legatees, legal representatives, creditors, or sureties in former administration bonds. And in case such executor or administrator shall refuse or neglect, for the space of thirty days after due notice of such order, to give the security, or, further security, so ordered, then the said court shall vacate the letters testamentary or of administration, and award new letters to be granted and issued by the register of the proper county, to such person or persons, and upon such security as the court shall think proper; and shall moreover order the first executor or administrator to deliver over and pay to the successor, all and every the goods, chattels, rights, credits, title deeds, evidences and securities, which were of the decedent, and which came to his or their hands, and remain unadministered, and pay over the balance which shall remain due from him or them to the said successor, in such manner and time as the said court shall, upon an examination and confirmation of such account (to be had according to the usual course of proceeding in case of accounts of executors and administrators settled in such courts) award and order. And if such superseded executor or administrator shall neglect or refuse to comply with the award and order of the court touching the premises, the court, on motion, shall proceed against him or them, as is lawful in cases of contempt, or the succeeding administrator may proceed at law against him or them, or his or their sureties, if any there be, or against any other person or persons who may be possessed thereof, for the recovery thereof; or both the said remedies may be pursued at the same time, if the case so require, until the end be fully attained.

§ 2. In all cases, where a return of *nulla bona* shall have been made by the Sheriff of the proper county, to an exe-

cution against any such executors or administrators, their sureties shall, on notice thereof, unless they can shew goods or chattels, lands or tenements, in some other county, which may be seized and taken in execution by a *testatum fieri facias*, to satisfy the same, be liable to pay the amount of the debt and costs therein, in actions brought against them on the said bonds, and such further proof, or evidence in support thereof, as by law would have intitled the suitor or suitors to recover his, her or their demand of the said executors, or administrators, *de bonis propriis*; provided such suits shall be instituted against the sureties, within seven years after the date of the respective bonds; and the whole amount of the sums of money to be recovered thereupon shall not exceed the penalties of the said bonds respectively.

§ 3. Any executor or administrator, with or without a copy of the will annexed, may, with leave of the registers, or Orphans' Court in the respective counties, make a settlement of his or their accounts, so far as he or they shall have administered the estate of the deceased; and also with leave of either of the said courts, may be dismissed from the duties of his or their appointment, and surrender the residue of the estate under his or their care to such person or persons as the said court may appoint; the register of the respective counties, in every such case is hereby authorized and required to take bond, with two sufficient sureties, in a penalty of double the amount of the real value of such estate, and also to administer the usual oaths or affirmations, to such person or persons so appointed, and to grant letters of administration of the unadministered part of such estate.

§ 4. [The same as sect. 2 of the act in the text, altered as there noticed in the margin.]

§ 5. Where an intestate leaves a widow, and no lawful issue, the real and personal estate, not given by the former act to the widow, shall descend and be divided as is directed by this act, and the act to which this is a supplement, in cases where the intestate shall leave neither widow nor lawful issue; and where any woman shall hereafter die intestate, without leaving a husband, her estate, real and personal, shall descend and be divided in the same manner as is directed by this act, and the act to which it is a supplement, in cases where men have died, or shall die intestate; but where she leaves a husband, he shall take the whole personal estate, and the real es-



tate shall descend and go in the same manner as is directed in the case of men dying intestate, saving to the husband his right as tenant by the curtesy; and if any intestate shall die seized of real estate in fee simple, and shall leave no widow, nor lawful issue, father, brother, sister, or their representatives, then the said estate shall go and be vested in fee simple in the mother, unless where such estate has descended from the part of the father, in which case it, or such part thereof, as shall have come from the part of his or her father, shall pass and be enjoyed, as if such person, so dying seized, had survived his or her mother: and where any person shall die seized or possessed of any real or personal estate, leaving neither widow nor lawful issue, father or mother, but brothers and sisters of the whole blood, the said estate shall descend to and be vested in such brothers and sisters, as tenants in common, in equal parts; and if any of the brothers and sisters of the intestate shall be then dead, leaving lawful issue, then it shall descend to and be enjoyed by the surviving brothers and sisters, and the lawful issue of such brothers or sisters as shall be then dead, such issue always to inherit, if one person, solely, if several persons, as tenants in common, in equal parts, such share only as would have descended to his, her or their, parent, had such parent been then living, and each of the brothers and sisters of the persons so dying intestate, who shall be living at the time of the death of the intestate, always to inherit and enjoy such share as would have descended and been distributed to him or her, if all the brothers and sisters, leaving lawful issue, had been living at the time of the death of the intestate.

§ 6. If the intestate shall die seized of real estate, leaving neither widow nor lawful issue, father or mother, brother or sister of the whole blood, but shall leave lawful issue of deceased brothers or sisters, the said estate shall be enjoyed and possessed by such lawful issue, in the same shares and proportions, and for such estates, as is directed in case some of the brothers or sisters are living.

§ 7. If the intestate shall die seized or possessed of real or personal estate as aforesaid, leaving neither widow nor lawful issue, father or mother, but brothers and sisters of the whole and half blood, or their representatives, the brothers and sisters of the whole blood, and the legal representatives of such of the whole blood as are dead, shall inherit the real estate in fee simple, and

the personal estate shall be distributed equally between the brothers and sisters of both the whole and half blood, or their representatives; but if there are no lawful issue, widow, father or mother, brothers or sisters, or their representatives of the whole blood, then brothers and sisters of the half blood shall inherit the real estate in fee simple, and the personal estate absolutely, the estate, both real and personal, to be held by them, as tenants in common, in equal parts, except such parts of the real estate as came to such intestate by descent, devise or gift of some one of his or her ancestors, in which case, all those, who are not of the blood of such ancestor, shall be excluded from such inheritance, and such part of the real estate.

§ 8. Like proceedings may be had where the intestate leaves no children, or their legal representatives, both in making partition, or where the estate cannot be divided without prejudicing or spoiling the whole, by directing an appraisement, and ordering the whole to the eldest brother or his issue, if any of such issue shall then be of full age, if he or she shall accept it, or to any other of the brothers or their issue successively, if any of such issue shall then be of full age, upon the refusal by the eldest brother, or his issue, or if there be no brothers or their issue, or they all neglect or refuse, then to the eldest sister or her issue, if any of such issue shall then be of full age, and on her neglect or refusal, to any other sister, or her issue successively, if any of such issue shall then be of full age, in the manner and on the conditions directed by the act, to which this is supplementary, with respect to the children of an intestate; and the same mode of dividing, assigning and appraising estates, shall be observed in all cases, where by this act, or the act to which this is supplementary, estates are to be vested in several persons, as tenants in common.

§ 9. Where any executor, administrator or guardian shall have stated and filed his account in the office of the register for the probate of wills, &c. it shall be the duty of the register to give notice in at least three of the most public places in the county, to all legatees, creditors and other persons (as the case may be,) setting forth that such executor, &c. has filed his account, and that the same will be presented to the Orphans' Court for confirmation and allowance, at the time and place for that purpose appointed, a copy of which notice shall also be set up in his office;

1794.

and no such account shall be confirmed and allowed by the said court, unless such notice shall have been given, and a copy thereof set up in the office aforesaid, at least thirty days prior to the time appointed for such confirmation and allowance.

§ 10. [Devise to wife to be deemed in lieu of Dower; but she may elect. (See General Index, "Dower.")]

§ 11. [Bonds taken by the registers shall be in the name of the commonwealth; and the second section of the act in the text, repealed.]

By a further supplement passed 2d April, 1804, (chap. 2486.) Where any person hath died, or hereafter may die intestate, seized of real estate in this commonwealth, subject to partition or valuation, as prescribed by the act to which this is a supplement, which real estate cannot be divided, but hath been, or shall be appraised, and none of the children or other legal representatives of the deceased, will take the same at the valuation, it shall then be the duty of the Orphans' Court, on the application of any one of the children, or other legal representative, to grant a rule upon all the heirs, or other persons interested in such estate, to shew cause on the first day of the next regular session of said court, why the estate of the intestate should not be sold; *Provided*, a copy of such rule be served on such of the heirs or representatives interested, as reside in the county where the estate lies, by delivering it to the person if of age, or his or her guardian, if a minor, by leaving a copy thereof at their usual place of abode, at least twenty days before the time of holding the court, as aforesaid, and that notice shall be given to such of the heirs, or other legal representatives, as live out of the county in which the estate lies, by publishing a copy of said rule, certified by the clerk of the Orphans' Court, in the newspaper printed in the county, if any be there printed; and if not, in the newspaper printed nearest to such county, at least four weeks previously to the court; and if cause be not shewn to the said court according to the said rule, it shall and may be lawful for the said court, and they are hereby enjoined and required, on due proof of notice of the aforesaid rule being given, to make an order or decree, commanding the executor or executors, administrator or administrators (as the case may be,) to expose the real estate of the intestate to public sale on the premises, on a day certain, upon such terms as the court may think proper to direct; of all which the executor or executors, administrator or administra-

tors, shall give at least ten days notice, by advertisement in the newspaper printed in such county if any there be, and if none, then in that nearest to the county where the land lies.

§ 2. Upon such sale made as aforesaid, and return thereof to the aforesaid court, it shall be the duty of said court, and they are hereby required, on motion of the purchaser, to confirm the sale, and to decree the estate in the premises, so sold, to be transferred and vested in such purchaser, as fully as the intestate held the same at his decease, subject and liable to the payment of the purchase money, according to the terms prescribed by the court in the order of sale; and said court shall cause the proceeds of such sale to be distributed in such manner as according to law and justice may be proper.

By a further supplement, passed, 1st April, 1806, (chap. 2584.) When any person or persons have heretofore died, or shall hereafter die intestate, seized of real estate, situate, lying and being in one tract, or in one or more tracts adjoining each other, on the line or lines of any county or counties in this commonwealth, whereby part or parts of the said tract, or adjoining tracts, is, are or may be in two or more of the said counties adjoining, it shall and may be lawful, in case of an application to the Orphans' Court of the county in which the principal mansion is situate, for an inquest to make partition or appraise the real estate of such intestate, to issue their writ to the Sheriff of the county within the jurisdiction of said court, specifying the lands in the said county, and the county or counties adjoining, of which a partition or valuation is intended to be made, and thereupon it shall and may be lawful for the said Sheriff to summon an inquest, according to law, to divide or value the said lands, in the same manner as if the whole were within his proper bailiwick; and upon the return thereof to the Orphans' Court, out of which such writ issued, the said court may further proceed thereon as if all the said lands were in the county, and within the jurisdiction of said court, and to decree partition thereof, or allot the whole to any one of the heirs, according as the inquisition may be returned to them, as fully and amply as they now may or can do, where real estate is wholly in any one county, and any recognizance or recognizances taken by them, in pursuance of such proceeding, shall be valid and effectual to all intents and purposes, and the final decree of such court thereon shall have the same operation, to vest the title of such estate in the



heir or heirs who may accept of the same, as any decree of any Orphans' Court in any county within their jurisdiction heretofore has had: *Provided*, that an exemplification of the proceedings, which may at any time hereafter be had, shall, within twenty days after the final decree therein, be delivered to the clerk or clerks of the Orphans' Court or Courts in such adjoining county or counties in which the application shall not have been made, and in which any parts of the said lands are or may be situated, which clerk or clerks shall enter the same of record on the Orphans' Court Docket of his proper county, at the joint expense of all parties concerned therein.

By an act passed 7th April, 1807, (chap. 2813.) § 6. When partition is made of an intestate's real estate, and a part is allotted to each of his children or representatives, in case there be a widow of the intestate living, and entitled to part of the said real estate during her life, it shall be the duty of the inquest or referees making partition, to estimate the value of the said part, and to apportion the same among the respective shares of the children or representatives; and upon confirmation thereof by the Orphans' Court, the same shall remain as a charge upon the said shares, and the interest thereof shall be annually and regularly paid to such widow, and may be recovered by action of debt, or by distress, as rents are usually recovered in this commonwealth; and where the estate of the intestate is divided into fewer parts than there are children or representatives, the same proceedings shall be had to estimate and apportion the value of the widow's purpart among the said parts, which shall remain a charge thereon, and the interest thereof shall be paid, and may be recovered as aforesaid; and upon the decease of any such widow the whole value of the said purpart shall be distributed among all the said children or representatives, in proportion to their respective shares, according to law.

§ 7. Where the estate of an intestate is divided into a fewer number of parts than there are children or representatives, and any one or all of the said parts is or are refused to be taken by the children or representatives, the like proceedings shall be had to sell the parts so refused, as is directed in case of an appraisement of the whole in and by the act of 2d of April, 1804. And any such sale or sales heretofore made by the decree of any Orphans' Court is, and are hereby ratified and confirmed.

§ 8. In order to give the younger chil-

dren, or representatives of an intestate, an opportunity of accepting or refusing the estate of the intestate, in case of an appraisement or partition into fewer parts than there are children or representatives, the Orphans' Courts of the different counties of this commonwealth are hereby authorized, upon application, to grant a rule upon any of the children or representatives, to come into court within a certain time, and to accept or refuse the same; a copy whereof shall be served upon the party personally, ten days before the return thereof, in case he, she or they reside within the county, or if they reside out of the county, a copy of the rule shall be published in at least one newspaper printed in the proper county, or if there be none therein, then in some adjacent county, and in one daily newspaper of the city of Philadelphia, for the space of one month before the return thereof; and in case he, she or they do not come in, according to the said rule, and accept or refuse, the court shall and may direct the same to be offered to the next child or representative in order. (*Infra*, act of March, 1808, § 2.)

§ 9. Where any person shall die intestate, after the passing this act, leaving lands or tenements in more than one county in this commonwealth, if after inquisition held, any of the legal representatives of such intestate shall accept of the real estate upon the valuation thereof, in any one county, such person shall not have the right of preference, or elect to take the real estate, or any part thereof in any other county, until all the other heirs or legal representatives shall refuse to take the same at such valuation.

§ 10. Where it shall be made to appear to the Orphans' Court, that a minor child or children, is or are possessed of real estate, but is or are not possessed of personal estate, adequate to the maintenance and education of such minor child or children, then, and in every such case, the Orphans' Court of the county where the real estate lies, shall allow the guardian or guardians of such child or children, to make public sale thereof, or of so much of the said real estate, upon the best computation they can make of the value thereof, as the said court shall judge necessary for the purposes aforesaid, and to make a title thereto to the purchaser; *Provided always*, That the guardian or guardians aforesaid, shall, before they proceed to convey, give bond, with sufficient surety, to the Orphans' Court, to dispose of the proceeds of sale for the use of the said minor or minors, and to invest within six months from the receipt of the

1794.

same, so much thereof, if any there be, as shall not be immediately required, in good real, or other securities for the same use.

§ 11. Where any person or persons shall hereafter die, having made and executed any testament and last will, and shall not therein have disposed of the residue of his or her personal estate, the executor or executors therein named, shall distribute such undisposed of residue to and among the next of kin, agreeably to the intestate laws of this commonwealth; *but nothing in this section contained, shall be construed to affirm or deny the right of any executor or executors to such undisposed of residue prior to the passing of this act.*

(The latter part of the foregoing section has become useless by the decision of *Wilson, widow, v. Wilson's executors*, at *Lancaster Supreme Court*, May, 1811.—In which case it was determined, by two Judges against one, that the executor, in *Pennsylvania*, was not entitled to the undisposed of residue, but was a trustee for the next of kin, before the passing of this act. This section therefore remains as confirming the pre-existing law.)

By an act passed 26th March, 1808, (chap. 2965,) to amend certain parts of the last recited act, it is enacted, § 2. That the publication of the notice required in and by the 8th section of the said act, after an appraisement or partition of an intestate's estate, shall be deemed sufficient if published in at least one newspaper, printed in the proper county, or if there be none therein, then in the county nearest thereto, wherein a newspaper may be published, and at least once a week for four weeks successively, prior to the return thereof, in one daily newspaper of the city of Philadelphia. And on any application for a valuation, or partition of an intestate's estate, where any of the children or legal representatives reside out of the county wherein the lands lie, notice in like manner may be given where personal notice cannot be given as required by the said section, of the time and place of executing the order of the court and taking the inquisition thereon. And if upon the return of any such inquisition, all the children or legal representatives of the intestate shall appear in court, personally, or by guardian or attorney in fact duly constituted, and refuse to accept of the estate, or any part thereof, if divided, at the valuation thereof, and shall unanimously desire the same or any part to be sold by the order of the court, the said court may order or decree the sale thereof, without granting any rule to shew cause why the said estate or part thereof should not be sold, any practice to the contrary notwithstanding; and to remove doubts, all proceedings heretofore had, and decrees made in the Orphans' Court, in pur-

suance of the act of 2d April, 1804, or of the act which is hereby amended, where notice has been given in the newspapers of the application for a partition or valuation, or where by the consent of the legal representatives, a rule to shew cause has been waived, if otherwise legal, are hereby declared to be valid.

§ 3. Where the Orphans' Court of any county hath heretofore decreed, or hereafter may decree sale of an intestate's real estate, or part thereof by the administrators, the said court is hereby authorized to require and take sufficient security from such administrators, conditioned for the faithful execution of the power committed to them in making such sale, and truly to account for and pay over the proceeds thereof in such manner as the said court shall legally decree.

Finally, by an act passed 1st April, 1811, entitled "An act relative to dower, and for other purposes"—§ 2. In all cases after the final settlement of any administration account in the Orphans' Court, if it shall appear there are not sufficient assets to pay and satisfy the balance appearing to be due and owing from the estate of the deceased, it shall be lawful for the said court, on the application of the executors and administrators, or any others interested therein, to make an order that so much of the real estate of which the deceased was seized or possessed at the time of his decease, shall be sold by the executors and administrators as in the judgment of the court shall be sufficient to satisfy such balance; and the said court shall likewise decree in such cases what contribution shall be made by the heirs or devisees respectively towards the payment of any debts chargeable on the real estate of any testator, either generally, in the first instance, or where the land decreed to be sold shall have been in any manner devised to any heir or devisee, after any such sale being made; and all such sales shall be had, made and conducted, as in other cases of sales made under the decree of the Orphans' Court by the existing laws.

Where lands, &c. shall escheat to the commonwealth for want of heirs. See the act to declare and regulate escheats, vol. 2, page 425.

But, by the supplement to that act, ante. page 4, every person, being a citizen or subject of any foreign state, shall be able and capable in law, of acquiring and taking by devise or descent, lands and other real property in this commonwealth, and of holding and disposing of the same, in as full and ample a manner as the citizens of this state may or can do, and no such lands or estate so held by devise or descent, shall escheat or be forfeited to the commonwealth, for or on account of the alienage of such person claiming the



same under any last will, or succeeding thereto, according to the laws of this commonwealth.

§ 2. All such persons shall be able and capable in law to dispose of any goods and effects, to which they may be entitled within this state, either by testament, donation or otherwise, and their representatives, in whatever place they may reside, shall receive the succession, according to the laws of this commonwealth, either in person or by attorney, in the same manner as if they were citizens of this commonwealth.

§ 3. Nothing herein contained shall be construed to prevent the sequestration of any real or personal estate belonging to any such alien, during the continuance of war between the United States of America, and the state or prince, of which such person may be a citizen or subject.

The 15th and 16th sections of the act in the text are similar to the old law, except as to the apportionment of the assets.

Upon the old law, it has been decided, that the order prescribed to the executors, &c. for payment of debts, respects voluntary, and not compulsory, payments. *By the Court.* There does not exist a doubt in our minds about the genuine meaning of the act of Assembly. It would be attended with the most inconvenient and pernicious consequences, to determine, that a creditor could not compel a payment from his debtor's estate, nor even bring a suit against the executors for a period of twelve months. The order of paying debts, obviously respects voluntary, and not compulsory payments. Such was the construction coeval with the act; and there has not, to this time, been a single departure from it. *Roberts v. Cay's executors*, 2 Dallas' Rep. 260.

In the case of *Scott, administrator of Patterson v. Ramsay*; which was error from the Common Pleas of Washington county, a case was stated for the opinion of the court, in substance as follows. *John Patterson* died intestate, possessed of personal property, and seized in fee of real estate. At the time of his death several persons had obtained judgments against him before justices of the peace. After his death, several creditors obtained judgments against his administrator on debts by simple contract. The personal estate being insufficient, the real estate was sold by order of Orphans' Court, and after the sale, some of the judgments obtained before justices of the peace were filed in the court of Common Pleas, and others were not filed. The questions for this court were two.

1. Whether the simple contract creditors (of whom the defendant in error was one,) who obtained judgment against the administrator, were to be considered in any respect as judgment creditors of the intestate, and as such entitled to any preference in the payments to be made by the administrator out of the personal assets, or the proceeds of the real estate.

2. Whether the creditors who obtained judgment before justices of the peace in the intestate's life, were to be considered as judgment creditors, within the 14th section of the act in the text; and whether any distinction was to be made between those whose judgments were filed, and those whose judgments were not filed, in the office of the Common Pleas.

*Tilghman*, C. J. delivered the court's opinion.

The first question has been determined by this court in the case of *Wootering v. The executors of Stewart*, December term, 1799. It was there decided on argument and full consideration, that the order of payment was to be according to the nature of the debt at the time of the testator's decease; and consequently a simple contract creditor obtained no preference by obtaining judgment against the executors.

It has been contended, on the second point, that the term *judgments*, in the act of Assembly of 19th April, 1794, is to be restrained to judgments in a court of record. But it appears to the court, that the meaning of the word, and the intent of the legislature both call for a more liberal construction. In the same session an act was passed by which the jurisdiction of justices of the peace was extended to twenty pounds, and their judgments when recorded in the office of the prothonotary of the court of Common Pleas, were "to have the same effect as judgments obtained in the court of Common Pleas." Of course they become a lien on lands, and it would be most extraordinary if the Legislature could intend to make them a lien on lands, and yet be of no consideration with respect to personal assets. We are therefore of opinion, that these judgments, when filed in the prothonotary's office, or when made known to the administrator before he pays away the estate, are to be on a footing with judgments in courts of record. But as great inconvenience might ensue, if administrators were obliged at their peril to take notice of such judgments, the court desire it to be understood, that they give no opinion whether the administrator would be guilty of a *devas-*

1794.

that if he paid the estate to creditors of an inferior nature, before he received notice of judgments rendered by justices of the peace, and not filed. 1 Binney, 221.

Executors or administrators cannot vary the rights of creditors, as to their shares of the assets: liens on the estates of decedents attach from their death. *Provost v. Nicholls*, Supreme Court, March, 1808. (*MSS Reports*.)

A claim against an intestate's estate, for damages on account of the breach of articles of agreement under seal, is a debt by specialty within the meaning of the 14th section of the act in the text. *Frazer v. Dunwoody's administrators*. 1 Binney, 254.

The case of *Johnson, plaintiff in error, v. Haines' lessee*, was decided under the act in the text, and prior to the passage of the supplement in 1797.

But though the case is now provided for, the principles of the decision still remain as part of the law of the land. It cannot therefore, with propriety be omitted.

Ejectment for a house and lot in Germantown, of which *Rebecca Vanaken* died seized on the 13th of Feb'y, 1797, intestate, and leaving no father, mother, child, grand-child, brother or sister living.

But the intestate had had brothers and sisters, who died under these circumstances.

1st. *Richard*, who died without issue.

2nd. *Catharine*, who married *Casper Wistar*, and left issue *Richard, Margaret, Catharine, Rebecca, Sarah* and *Casper*; of this family *Richard, Margaret, and Rebecca*, are dead; but all of them leaving issue.

3rd. *Anne*, who married — *Lukens*, and left issue, *John, Mary, Daniel, Derrick* and *Rebecca*; all of this family died in the life of the intestate, but all of them left issue.

4th. *John*, who died in the life-time of the intestate, but left issue *Anthony*, (plaintiff in error,) *John, Joseph*, and *Margaret*, and *Margaret* also died in the intestate's life-time, leaving issue.

5th. *Margaret*, who intermarried with *Reuben Haines*, and left issue, *Casper*, (the lessor of the plaintiff below,) *Catharine, Josiah* and *Reuben*; *Josiah* is dead leaving one son, who is now alive, and *Reuben* is dead without issue.

It was agreed that *Margaret*, the daughter of *Catharine*, who was the sister of *Rebecca*, died in the life-time of the intestate.

And the questions submitted to the court are, whether the plaintiff in error is entitled to the whole of the pre-

misses? and if he is not, how the premises are to be divided?

Judgment was entered by consent below, to expedite the decision in the High Court of Errors and Appeals.

The plaintiff in error claimed the whole of the premises as heir at law of the intestate; and the lessor of the defendant insisted that the premises ought to be divided, on the principles of the act in the text.

*M<sup>r</sup> Kean*, C. J. delivered the unanimous opinion of the court, in the absence of *Chew*, President, as follows:

The intestate died, leaving the children of several of her brothers and sisters, and a grand-child of one of her brothers; and it is now made a question, whether her real estate shall be divided among these surviving relations, or descend entirely to her heir at law.

By the 6th section of the charter granted to *William Penn*, the laws of England "for regulating and governing of property, as well for the descent and enjoyment of lands, as for the enjoyment and succession of goods and chattels," were introduced and established in *Pennsylvania*, to continue till they were altered by the legislature of the province. The common law being, therefore, the original guide, and the plaintiff in error being the heir at common law, his title must prevail, unless it shall appear, that an alteration in the rule has been made, by some act of the General Assembly.

Now, when the intestate died, there was but one law in existence on the subject; (the act in the text.) And though the sixth section of that act provides for the case of a person dying intestate, leaving "neither widow, nor lawful issue, but leaving a father, brothers and sisters," it does not provide, nor does any other of the sections provide, for the case of a person dying intestate, without lawful issue, and leaving no father or mother, brothers or sisters. The descent of the real estate, in this specific case, was not, therefore, altered, or regulated, by any act of the General Assembly, when the estate was vested in the person entitled to take, at the death of the intestate.

It is probable, that if the case had been stated to the legislature, they would have directed the same distribution in the year 1794, that they have since done by the act of the year 1797; and it is urged, that as there is equal reason for making such a distribution, where no father survives, as where a father does survive, the intestate, the court ought, upon the obvious principle and policy of the law, to supply the de-



iciency. But it must be remembered, that the system of distributing real estates in cases of intestacy, is an encroachment on the common law; and wherever such an encroachment takes away a right, which would otherwise be vested in the heir at law, the operation of the statute should not be extended further, than it is carried by the very words of the legislature.

We are, upon the whole, unanimously, of opinion, that the judgment below should be reversed; and that judgment should be given for the plaintiff in error. 4 *Dallas, Rep.* 64.

And in *Cresoe v. Laidley*, determined in 1810, which was an ejectment for a house and lot in the city of *Philadelphia*, under the following circumstances, which were stated in a case for the opinion of the court.

*Samuel Eldridge* of the city of *Philadelphia* died intestate on the 13th of October, 1804. Seized of the premises in the declaration mentioned. At the time of his death, his wife was enseat of a son who was born on the day of

1804, and named *Samuel*, to whom the premises descended, and who became seized thereof. The widow of the intestate afterwards intermarried with *John Harland, junr.* by whom she has issue a son now living, shortly after whose birth, *Samuel Eldridge* the younger died seized of the premises, an infant, unmarried, and without issue, leaving the following relations, on the maternal side, viz. a brother of the half blood, a mother, a maternal grandfather and grandmother. On the paternal side he left,

1st. *Jane Smith*, the only child of *Elisha Eldridge*, who was the oldest son of *Daniel Eldridge*, the oldest son of the intestate's great grandfather; and *Daniel Eldridge*, the second son of the said *Daniel*.

2nd. *Thomas Eldridge, William Eldridge* and *Mary Bishop*, the children of *Thomas Eldridge*, the second son of the said great grandfather.

3rd. *Martha Garetson*, the daughter of *Esther*, who was a daughter of the said great grandfather.

4th. *Zilpah Hand* and *Jehu Eldridge*, the children of *Eli Eldridge*, who was the fourth son of the said great grandfather.

5th. *Hannah Cresoe* (the plaintiff,) a daughter of the said great grandfather, and the intestate's paternal great aunt.

The question for the opinion of the court, was, whether the premises descended to the heir at common law, or were to be distributed under the intestate laws of *Pennsylvania*; and if the

latter, to how much, if any, the plaintiff was entitled.

After an elaborate argument, the opinion of the court was delivered, by, *Tilghman, C. J.* The court are to give their opinion on a case stated, the material parts of which may be comprised in a small compass.

*Samuel Eldridge* died intestate, seized of lands in fee simple, which had come to him by descent from his father. He left, living at the time of his death, a mother, a brother of the half blood on the part of his mother, a maternal grandfather and grandmother, a paternal great aunt (the plaintiff,) and several cousins, children of paternal great uncles and great aunts. The plaintiff claims one fifth part of *Samuel Eldridge's* lands, as one of his next of kin. The defendant holds under the heir at common law. The question is, whether this case is included in either of the acts directing the descent of real estates of persons dying intestate.

On the part of the plaintiff it has been contended, that this case is included, not within the words, but the spirit and intent of the 12th section of the act of the 19th April, 1794. That section is in these words: (see the 12th sect. of the act in the text.) The case before the court differs from this section of the law in two respects. The intestate left a mother, and a brother of the half blood. The plaintiff's counsel get over this, by endeavouring to prove from other parts of the law, that neither the mother, nor brother of the half blood on the part of the mother, can take any thing in this case, where the estate descended to the intestate from his father. This being the case, they think it unreasonable that their existence should prevent the next of kin from taking. They construe the words "mother or brother of the half blood," by adding to them the words "capable of taking any thing under this act." We think that the principles on which the law must be construed, were fixed by the case of *Johnson, v. Haines*, (*supra*,) decided by the unanimous opinion of the High Court of Errors and Appeals. The rule there laid down by *C. J. M'Kean*, who delivered the opinion of the court, was that the heir at common law should take, except in the specific cases enumerated in the act. The case there decided, was full as hard as the present. There could not be a doubt but the legislature would have included it in the act of 19th April 1794, if it had occurred to them. But the decision was founded on wise principles. It tended to produce certain-

1794. ty, which is of the utmost consequence in the law of descents. We may easily know the law, when it is established that the heir at law takes in every case not specified in the acts of assembly; but there will be no end to difficulties, if we attempt to supply the omissions of the acts, by inserting what we may suppose to have been intended by the legislature. There is another powerful reason for the strict construction of the act of 19th April, 1794. It was discovered to be defective in many respects, to remedy which, the act of 4th April, 1797, was passed. That act included the case which had occurred in *Johnson v. Haines*, and many other omitted cases: but it made no alteration in the 12th section of the first act, on which the present question turns. Now the latter act being made for the express purpose of supplying the defects of the first, it must be supposed that the first act was examined with great attention, and every alteration introduced, which was thought necessary. I make no doubt but many cases are still unprovided for, because they were unseen. As they occur from time to time, they may be included in new laws, if it shall be judged expedient. In the mean time, the heir at common law will take in all such cases. Upon the whole, we are clearly of opinion, that the plaintiff is not entitled to recover, because she has not brought her case within either of the acts of assembly.

Judgment for the defendant.—2 Binney, 279.

Where lands have been directed to be sold by the Orphans' Court for payment of debts of an intestate, &c. the surplus shall be distributable as real estate, *Diller v. Young, executor of Diffenderfer*, Sup. Court, December, 1797, (MSS. Reports,) see § 20, of the act in the text.

A child dying intestate, without wife or child, the father takes all his personal estate. *Robinson v. Robinson's executors*, Sup. Court, December, 1799, (MSS. Reports.)

A brother dying intestate, after 19th April, 1794, leaving neither wife nor children, his brothers and sisters of the half blood, are entitled to equal distributive shares of his personal estate with those of the full blood, the act of 19th April, 1794, not providing for this case, *Preston v. Hoskins and others, administrators of Pennel*, Sup. Court, March, 1800, (MSS. Reports.)

One died intestate in 1798, unmarried, without father, mother, brother or sister, leaving uncles and aunts on the father's and mother's side, and the issue of some who were dead; the whole estate goes to such uncles and aunts, and the issue representing such as are dead, equally, *Walker's administrator v. Smith*, Supreme Court, March, 1803, (MSS. Reports.)

*Jacob Yobe v. William and John Barnett, administrators of Henry Barnett.*

This was an appeal from the Circuit Court of Northampton county.

*Jacob Yobe* the appellant married a daughter of *Henry Barnett*, and became indebted to his father-in-law in a considerable sum, for which he gave his bond with warrant of attorney. Judgment was entered against *Yobe*, and executions issued against his property, both in the lifetime of *Barnet*, and after his death, but without effect; the principal part of the judgment remained unsatisfied, and *Yobe* was insolvent. *Henry Barnett* died intestate; whereupon an inquest of partition was awarded by the Orphans' Court; and his real estate not being susceptible of a division into as many parts as there were claimants, was appraised by the inquest, and ordered by the court to certain of the children and grand-children upon the terms prescribed by law, viz. upon their giving good security, which in practice is a bond and recognizance, to pay to their other children their equal and proportionable part of the appraised value of the estate. No part of the real estate was ordered to *Yobe* and his wife, who was still living, but he was entitled in right of his wife to one-fifth part of the valuation.

The appellers, who were sons of *Henry Barnett*, and to each of whom a part of the real estate was ordered, petitioned the Orphans' Court that the money, which by virtue of the inquest and valuation accrued to *Yobe* in right of his wife, might be made payable to them as administrators in satisfaction of *Yobe's* debt; or that it might be secured in some other way for the benefit of *Barnet's* estate. The Orphans' Court decreed against the petition; and the Circuit Court, upon appeal, reversed the decree, and ordered the distributive share of *Yobe* in right of his wife to be deducted from the sum due on the judgment, and that giving him credit therefor should be deemed a full payment to him in right of his wife.

*Tilgman, C. J.* after stating the above facts, proceeded to deliver the opinion of the court as follows.

Many exceptions were taken to the judgment of the Circuit Court, but on the argument they were reduced to two.

1. That the Orphans' Court had no jurisdiction to act on the matter of the petition.

2. That it was unjust to deduct the husband's debt from the wife's share of her father's real estate.

1. In supporting the first point, it was urged that the Orphans' Court had no authority but what they derived from the act of Assembly, directing them to make partition of the intestate's estate; and that in case of a dispute they have no mode of ascertaining the amount of a



debt. But there are cases in which the Orphans' Court must take upon themselves to decide facts incidental to the partition of an estate. For instance, if a dispute should arise concerning the amount of an *advancement* made by the intestate in his life to one of his children, partition cannot be completed till this amount be ascertained. If necessary, facts may be ascertained by a jury; so that there seems to be no difficulty in surmounting this part of the objection. If instead of a debt due from *Yobe* to his father-in-law, he had received from his father-in-law an advance, of money in part of his wife's share of the estate, there is no doubt but the Orphans' Court could, and must have deducted the amount of the advance. The case of a debt, to be sure, is not quite the same; although in fact this debt has drawn as much from the estate of *Henry Barnet* into the hands of his son-in-law, as if it had been an actual advance. But inasmuch as *Yobe* cannot come at his wife's share without the aid of the Orphans' Court, I see no reason why that court may not deduct what appears to be due from him to the other heirs in a case like the present, where if he once gets hold of the money or the bond, there is reason to fear that payment of his debt will never be obtained. I speak now, taking it for granted that *Yobe* is entitled to receive the amount of his wife's share, which is the second point for consideration.

2. The Orphans' Court have ordered that a bond should be given to *Yobe* in right of his wife, for the amount of her share. It is said, and not without great plausibility, on the part of the appellant, that this bond being given in lieu of land, ought to be considered as the property of the wife; that if the bond was passed immediately to her, and she should survive her husband, it would be her absolute property, and that it is hard to deprive her of this chance. There certainly may be hardships in cases of the kind, which probably the Legislature were not aware of, when they directed the mode of partition. But we must take the law as we find it written. There is no ground for saying that the share, thus directed to be paid in money, remains for any intent or purpose, of the nature of real estate. It is converted completely into personal property. The bond would be altogether in the power of the husband. He might release it, assign it, or dispose of it in any way he thought proper. It is to be regretted the courts in this state are not vested with the power exercised by the Court of Chancery in *England*, of insisting on some provision for the wife, when the husband applies to them for the purpose of getting possession of her personal property. But we have no trace of any such exercise of

power by our courts. It must be taken for granted then, that they possess no such power. That being the case, *Jacob Yobe* appears to be substantially the owner of his wife's share. If it was payable in cash, he would have a right to demand it; and being in fact no more than money to be secured by bond payable in a time to be fixed by the Orphans' Court, not exceeding twelve months from the partition, I am constrained to consider it as his property.

I am therefore of opinion, that the equity of this case demands, that the balance due on the judgment against *Jacob Yobe* should be deducted from his wife's share, and that the judgment of the Circuit Court be affirmed.

*Brackenridge J.* concurred.

*Yeates J.* and *Smith J.* gave no opinion, as the appeal was from their decision. 1 *Binney* 358.

The following case occurred at a Circuit Court, at Franklin county, September, 1804, before *Yeates* and *Smith* Justices, (MSS. Reports.)

*Walter Beatty* and *Nancy his wife v. Samuel Smith.*

Debt on recognizance in the Orphans' Court; plea, payment, with leave to give the special matters in evidence. The facts were these.

*Samuel Smith* father of *Nancy*, plaintiff's wife, and of defendant, died in 1763, intestate, seized of a tract of 408 3-4 acres, of land, leaving a widow, four daughters, and one son, his youngest child, then aged six years. *Nancy* the plaintiff, was the youngest daughter, and then aged about seven years. The family were brought up together, and lived on the land, until the daughters were severally married. *Nancy* married in 1778. The defendant occupied the lands afterwards for his own use.

On the 4th September, 1797, the plaintiffs applied for a partition or valuation of the real estate. The jury finding that the same could not be divided without prejudice to the whole, made a valuation thereof, and the defendant accepted the lands, and entered into recognizances for the payment of the distributive shares of his sisters, on 27th of November.

The defendant gave notice of several matters, for which he claimed set-offs.

1st. That the improvements on the land made since the death of the intestate, until the time of valuation, being appraised with the land, he claimed to be allowed an equivalent therefor, proportioned to each child's share. 2d. He also claimed an allowance for taxes paid for the real estate between 1780 and 1797. 3d. Likewise for his trouble, costs and expenses, in defending an ejectment brought against him, according to a family agreement, and in which there was a

1794. subsequent eviction, on the 23d April, 1799, of 47 acres, part of the lands appraised, and for the taxes paid by him on those 47 acres. This was excepted to, and after argument;—*By the Court*: Unquestionably the recognizance in the Orphans' Court, is in the nature of a judgment. The interests of minors, as well as persons of full age, would be strangely affected, if a doctrine should prevail, that while they were divested of their interests in the land, their distributive shares of the valuation should not be placed on a secure and permanent footing. If they are liable to have their dividends reduced, by circumstances or considerations which have occurred anterior to the recognizance solemnly given, they will be but badly protected by the law. Why was not this defence set up by the son in the Orphans' Court, previous to their decree, and his subsequent recognizance? Can any good reason be assigned for it. We cannot presume, that the inquest have appraised valuable permanent improvements made at the son's expense, as the property whereof the father died seized.

The testimony on the two first items must be overruled. As to the two last items, which have happened since the valuation, as it is said, under the agreement of the family, evidence applicable to them may be admitted.

As to the power of the Orphans' Court to decree a sale of lands for payment of debts, though there are no minor children; see 4 *Dallas' Rep.* 451, (note 1.)

Where one administrator receives money of the estate, and pays it over, how his account shall be settled. see 1 *Dallas' Rep.* 311.

A creditor taking bond from an executor or administrator discharges the old debt; and the executor or administrator, calling himself such in the bond, is surplusage. 1 *Dallas' Rep.* 347, (note \*)

An administrator is chargeable with interest, where he has been guilty of neglect in not putting out the money of the intestate, or has used it himself; and it lies upon him to shew what has been done with it. But he is not liable for interest until after twelve months from the intestate's death. 1 *Binney*, 194, (see vol. 1, pa. 88.)

An executor who receives the surplus proceeds of his testator's land, which has been sold under execution, is chargeable with them in account as executor, notwithstanding he is husband of the devisee of one half the estate, and claims to have received them in that character. 2 *Binney*, 294.

If an executor purchase the real estate of his testator at Sheriff's sale, and it is afterwards sold again, in consequence of his not adhering to his purchase, he is chargeable in account with the largest of the sums at which it was struck off. 2 *Binney*, 294.

If there are errors in an account reported by auditors to the Orphans' Court, and confirmed by their decree; the Supreme Court, upon an appeal, will rectify them as the Orphans' Court should have done, and not set aside the whole account. The auditors are mere clerks. 2 *Binney*, 296.

If a devisee, or one of the heirs, loses his lands by an execution, he is entitled to a contribution from the owners of the remaining part of the testator's lands. 2 *Binney*, 299.

## CHAPTER MDCCXLI.

*An ACT to suspend, for the time therein mentioned, part of an act, entitled "An act to appropriate certain sums of money, for the laying out, opening and improving sundry roads within this commonwealth, and for other purposes therein mentioned," and to confirm part of a road laid out in pursuance of said act. (\*)*

(\*) Chap.  
298.)

WHEREAS, in and by the act, entitled "An act to appropriate certain sums of money for the laying out, opening and improving sundry roads within this commonwealth, and for other purposes therein mentioned," passed the eleventh day of April, one thousand seven hundred and ninety-three, it is, among other things, enacted, that the sum of four hundred dollars be appropriated for viewing and laying out a road from Philadelphia to the borough of York, in York county, through West-Chester and Strasburg, and crossing the Susquehanna at the place commonly called the Blue Rock: And whereas it appears, as well from the representations of a great num-



ber of the inhabitants of the county of Lancaster, as otherwise, that the opening of a certain part of the said road would be not only burthensome and oppressive, but at present useless, as there is not, neither can there be, established any convenient ferry over the Susquehanna, at the Blue Rock aforesaid : 1794.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* so much of the aforesaid road, directed to be laid out from Philadelphia to the borough of York, as lies between the city of Philadelphia and the village of Strasburg, is hereby confirmed, as viewed and laid out, agreeably to the report, and supplementary report, made on that part of the said road by the commissioners appointed for that purpose, and filed in the office of the Secretary of the commonwealth; and the Courts of Quarter Sessions of the respective counties, through which the said road passes, are hereby authorized and required to cause the same to be opened agreeably to the said reports, and the existing laws of this commonwealth: *Provided always,* That nothing herein contained shall extend to confirm or authorize the opening of that part of said road, which lies between the village of Strasburg and the borough of York, but the same shall be and is hereby suspended, until a permanent bridge shall be built over the Susquehanna, at or near the Blue Rock.\*

A certain road confirmed.

And to be opened.

Part of same road suspended.

(\* Chap. 1584.)

Passed 19th April, 1794.—Recorded in Law Book No. V. page 236.

## CHAPTER MDCCXLIV.

A further SUPPLEMENT to the act, entitled “An act for erecting the town of Carlisle, in the county of Cumberland, into a borough, for regulating the buildings, preventing nuisances and encroachments on the commons, squares, streets, lanes and alleys of the same, and for other purposes therein mentioned,” passed the thirteenth day of April, one thousand seven hundred and eighty-two.

[Original act, vol. 2, pa. 17.]

SECT. 1. [HOW taxes may be assessed and levied, to improve the police of Carlisle. 2. Accounts how to be kept. 3. Monies to be paid over, on a change of borough officers.]

Passed 19th April, 1794.—Recorded in Law Book No. V. page 248.

## CHAPTER MDCCXLVI.

An ACT for the prevention of vice and immorality, and of unlawful gaming, and to restrain disorderly sports and dissipation.

[See notes to chap. 1505, vol. 2, page 531.]

WHEREAS the act of Assembly, entitled “An act for the prevention of vice and immorality, and of unlawful gaming, and to restrain disorderly sports and dissipation,”\* passed the twenty-fifth of September, one thousand seven hundred and eighty-six, will soon expire by its limitation, and it is proper and requisite to con-

(\* Chap. 1237.)  
See the act against masquerades.

1794.

15th Feb'y,  
1808, chap.  
2903.

Breach of  
the Lord's  
Day, how  
punished.

[See vol. 1,  
pa. 25.]

(So much of  
this section  
as relates to  
the sale of  
the necessa-  
ries of life on  
Sunday, in  
the city, dis-  
trict of  
Southwark,  
and the  
Northern  
Liberties, is  
repealed by  
an act passed  
25th of  
March, 1805,  
chap. 2558.)

What things  
may be law-  
fully done on  
that day.

Profane curs-  
ing or swear-  
ing, how  
punished.  
(Vol. 1, page  
6-7.)

Drunken-  
ness, how  
punished.

tinue or supply the same, with certain additional alterations and amendments, the better to secure the execution thereof: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of August next, if any person shall do or perform any worldly employment or business whatsoever on the Lord's Day, commonly called Sunday, works of necessity and charity only excepted, or shall use or practise any unlawful game, hunting, shooting, sport or diversion whatsoever, on the same day, and be convicted thereof, every such person, so offending, shall, for every such offence, forfeit and pay four dollars, to be levied by distress; or in case he or she shall refuse or neglect to pay the said sum, or goods and chattels cannot be found, whereof to levy the same by distress, he or she shall suffer six days imprisonment in the house of correction of the proper county: *Provided always,* That nothing herein contained shall be construed to prohibit the dressing of victuals in private families, bake-houses, lodging-houses, inns, and other houses of entertainment, for the use of sojourners, travellers or strangers, or to hinder watermen from landing their passengers, or ferrymen from carrying over the water travellers, or persons removing with their families, on the Lord's Day, commonly called Sunday, nor to the delivery of milk, or the necessaries of life, before nine of the clock in the forenoon, nor after five of the clock in the afternoon, of the same day.

SECT. II. *Be it further enacted by the authority aforesaid,* That if any person of the age of sixteen years, or upwards, from and after the first day of August next, shall profanely curse or swear by the name of God, Christ Jesus, or the Holy Ghost, every person, so offending, being thereof convicted, shall forfeit and pay the sum of sixty-seven cents for every such profane curse or oath; and in case he or she shall refuse or neglect to pay the said forfeiture, or goods and chattels cannot be found, whereof to levy the same by distress, he or she shall be committed to the house of correction of the proper county, not exceeding twenty-four hours, for every such offence of which such person shall be convicted; and whosoever, of the age of sixteen years, or upwards, shall curse or swear by any other name or thing than as aforesaid, and shall be convicted thereof, shall forfeit and pay the sum of forty cents for every such curse or oath; and in case such offender shall neglect or refuse to satisfy such forfeiture, or no goods or chattels can be found, whereof to levy the same by distress, he or she shall be committed to the house of correction of the proper county, not exceeding twelve hours, for every such offence.

SECT. III. *Be it further enacted by the authority aforesaid,* That if any person, from and after the first day of August next, shall intoxicate him or herself, by the excessive drinking of spirituous, vinous, or other strong liquors, and shall be convicted thereof, he or she shall forfeit and pay the sum of sixty-seven cents for every such offence; or if such person shall refuse or neglect to satisfy the said forfeiture, or goods and chattels cannot be found, whereof to levy the same by distress, he or she shall be committed to the house of correction of the proper county, not exceeding twenty-four hours.



SECT. IV. *And be it further enacted by the authority aforesaid,* 1794.  
 That the Justices of the Supreme Court, severally throughout this state, every President of the Courts of Common Pleas, within his district, every Associate Judge of the Courts of Common Pleas, and every Justice of the Peace, within his county, the Mayor and Aldermen of the city of Philadelphia, and each of them, within the limits of said city, and each Burgess of a town corporate, within his borough, are hereby empowered, authorized and required to proceed against and punish all persons offending against this act, and every person who shall profane the Lord's day, or who shall profanely curse or swear, or who shall intoxicate him or herself, as mentioned in the next preceding section of this act; and for that purpose each of the said Justices or Magistrates severally may and shall convict such offenders, upon his own view and hearing, or shall issue, if need be, a warrant, summons or *capias* (according to the circumstances of the case) to bring the body of the person accused as aforesaid before him; and the same Justices and Magistrates respectively shall, in a summary way, enquire into the truth of the accusation, and upon the testimony of one or more credible witnesses, or the confession of the party, shall convict the person who shall be guilty as aforesaid, and thereupon shall proceed to pronounce the forfeiture incurred by the person so convicted, as herein before directed; and if the person so convicted refuse or neglect to satisfy such forfeiture immediately, with costs, or produce goods and chattels, whereon to levy the said forfeiture, together with costs, then the said Justices or Magistrates shall commit the offender without bail or mainprize, to the house of correction of the county wherein the offence shall be committed, during such time as is herein before directed, there to be fed upon bread and water only, and to be kept at hard labour; and if such commitment shall be in any county wherein no distinct house of correction hath been erected, then the offender shall be committed to the common gaol of the county, to be therein fed and kept at hard labour, as aforesaid: And every such conviction may be in the following terms, viz. *Be* it remembered, that on the                      day of                      in the year of                      A. B. of                      county, labourer, (or otherwise, as his or her rank, occupation or calling, may be,) is convicted before me, being one of the Justices of the                      (or one of the aldermen or burgesses of the city or borough of the                      in the county of                      ) of swearing profane oaths, by the name of                      (or otherwise, as the offence and case may be,) and I do adjudge him (or her) to forfeit for the same the sum of                      cents. Given under my hand and seal, the day and year aforesaid, *Provided always,* That every such prosecution be commenced within seventy-two hours after the offence shall be committed.

Before whom proceedings under this act may be had.

Of evidence and process to convict.

Of the fine, &c.

Form of the conviction.

SECT. V. *And be it further enacted by the authority aforesaid,* Certain offences how punished.  
 That if any person or persons, after the first day of August next, cause to fight any cock or cocks, for money, or any other valuable thing, or shall promote or encourage any match or matches of cock-fighting, by betting thereon, or shall play at any match of bullets in any place, for money, or other valuable thing, or on any public highway, with or without a bet, or shall play at cards, dice,

1794. billiards, bowls, shuffle-boards, or any game of hazard or address, for money, or other valuable thing, every such person, so offending, shall, upon conviction thereof before any Justice or Magistrate as aforesaid, forfeit and pay three dollars for every such offence; and if any person or persons shall enter, start, or run any horse, mare or gelding, for any plate, prize, wager, bet, sum of money, or other valuable thing, every such person, so offending, shall, upon conviction thereof as aforesaid, forfeit and pay the sum of twenty dollars.

Penalty on  
tavern-keep-  
ers, &c. who  
promote  
gaming at  
their houses.

Forfeiture of  
licence.

In case of a  
second of-  
fence.

Appeal al-  
lowed from  
the convic-  
tion before  
a Justice.

SECT. VI. And whereas games of address, hazard, cock-fighting, bullet-playing, and horse-racing, are frequently promoted and held at or near to taverns, or other public-houses, as well licensed as tippling-houses, and the houses of persons who retail spirituous liquors, or other strong drinks: Therefore, *Be it enacted by the authority aforesaid,* That if any tavern-keeper, public house-keeper, keeper of a tippling-house, or other retailer of wine, spirituous or other strong drink, shall incite, promote, or encourage any games of address, hazard, cock-fighting, bullet-playing, or horse-racing, whereat any money or other valuable thing shall be betted, staked, striven for, won or lost, or shall furnish any wine, spirituous liquors, beer, cyder, or other strong drink, to any of the persons who shall be assembled or attending upon any game of address, hazard, or cock-fighting, bullet-playing, or horse-racing, as aforesaid, or shall permit or allow of any kind of game of address or hazard, playing, betting or gaming, for money, or other thing of value whatsoever, either at cards, dice, billiards, bowls, shuffle-board, or any game, device, or manner, to be practised, played, or carried on within his or her dwelling-house, out-house, shed, or place in his or her occupancy, every such tavern-keeper, keeper of a public-house, keeper of a tippling-house, or retailer of wine or spirituous liquors, beer, cyder, or other strong drink, who shall be legally thereof convicted before any of the Justices or Magistrates, as aforesaid, or in any Court of Quarter Sessions of the Peace, or Oyer and Terminer and General Gaol Delivery, held for the city or county wherein the offence shall be committed, shall forfeit and pay, for every such offence, the sum of fourteen dollars; and if such convict be a licensed public house-keeper, or retailer of wine or spirituous liquors, or beer, the licence of such person shall be thereupon null and void, and such offender shall be incapable of being again licensed in like manner, for one year thereafter; and upon a second conviction of the like offence, such person shall forfeit and pay the sum of twenty-eight dollars, and be for ever incapable of being a public house-keeper or retailer, as aforesaid, within this state: *Provided always,* That where any such licensed public house-keeper or retailer as aforesaid, who shall be convicted, as aforesaid, before any one Justice or other Magistrate, shall think himself or herself aggrieved by such conviction, it shall and may be lawful for such licensed public house-keeper or retailer to appeal to the next Court of Quarter Sessions of the Peace, to be held for the city or county wherein the offence was committed, (and not after,) which said court shall thereupon proceed, as soon as may be, to hear and determine the said appeal, and to affirm or reverse the proceedings



had before the said Justice or other Magistrate, and the determination of the said court shall be final and conclusive.

SECT. VII. And whereas divers persons, who kept inns, taverns, and other public-houses, under pretence of an act of Assembly, entitled "An act for raising and collecting of money on the specified articles therein mentioned, for the support of government, and for other purposes therein mentioned,"\* passed the twentieth of March, one thousand seven hundred and eighty-three, whereby an annual tax is laid on every possessor of any billiard-table, have set up billiard-tables in their dwelling-houses, or out-houses appertaining thereto, whereby the purposes of the act aforesaid have been frustrated, and divers idle and disorderly persons do assemble at such billiard-tables, and do there mispend their time, and waste their substance, by playing for sums of money, and by betting on the success of those who game thereat: For remedy whereof, *Be it enacted by the authority aforesaid*, That, from and after the first day of August next, no billiard-table, E. O. table, or other device, for the purpose of gaming for money, or other valuable thing, shall be set up, kept or maintained in any dwelling-house, out-house, or place occupied by any tavern-keeper, inn-keeper, public house-keeper, retailer of wine, spirituous liquors, beer or cyder, whether such person have a licence, or keep a tippling-house, on pain of forfeiting every such billiard-table, E. O. table, or other device, and of forfeiting moreover the sum of twenty-six dollars, upon conviction thereof before any justice or magistrate, as aforesaid, or in any court of Quarter Sessions of the peace, or of Oyer and Terminer and General Gaol Delivery, held for the city or county wherein the offence shall be committed. And the judges of the several courts of Quarter Sessions, upon application to them for a licence to keep a tavern, or other public-house, shall, if they see cause, enquire, by the oath or affirmation of witnesses, or otherwise, whether such applicant do keep any such billiard-table, E. O. table, or other device for gaming, within his or her dwelling-house, out-house, or other place within such person's occupancy; and if it does not appear plainly to the judges aforesaid that such person, so applying, hath no such device for gaming in his or her possession as aforesaid, the said judges shall not recommend such person to the Governor for a licence; and no licence issued to any person, who shall possess as aforesaid any such billiard-table, E. O. table, or other device for gaming, shall be of any force or avail, but the same shall be void to all intents and purposes; *Provided always*, That the person or persons offending against the provision of this section shall be entitled to the like appeal, as is provided in and by the sixth section of this act.

(\* Chap.  
1007. now  
repealed.)

Keeping  
billiard-  
tables, E. O.  
tables, or  
other device  
for gaming,  
how punish-  
ed.

Licences not  
to be granted  
to persons  
keeping such  
tables, or  
other device.

Appeal  
allowed.

Of money  
lost at play.

SECT. VIII. *And be it further enacted by the authority aforesaid*, That if any person or persons shall lose any money or other valuable thing, at or upon any match of cock-fighting, bullet-playing, or horse-racing, or at or upon any game of address, game of hazard, play or game whatsoever, the person or persons, who shall lose their money, or other valuable thing, shall not be compelled to pay or make good the same; and every contract, note, bill, bond, judgment, mortgage, or other security or conveyance whatsoever, given,

1794. granted, drawn or entered into, for the security or satisfaction of the same, or any part thereof, shall be utterly void and of none effect.

Loser having paid the money may recover it back.

SECT. IX. *And be it further enacted by the authority aforesaid,* That if any person or persons shall lose any money, or other thing of value, at or upon any game of address, or of hazard, or other play, and shall pay or deliver the same, or any part thereof, the person or persons, so losing and paying, or delivering the same, shall have a right, within ten days then next or thereafter, to sue for and recover the money or goods so lost and paid, or delivered, or any part thereof, from the respective winner or winners thereof, with costs of suit, by action of debt or case, for the value of the money or thing so lost, founded on this act, to be prosecuted in any court of record, or where the value is under a sum that may be recovered before any justice of the peace within this commonwealth, subject to an appeal, as in other cases, in which action no essoin, protection, or wager of law, nor more than one imparlance, shall be admitted, and in which actions it shall be sufficient for the plaintiff or plaintiffs to allege, that the defendant or defendants is or are indebted to him, her or them, or hath or have received to his, her or their use, the money so lost and paid, or converted the goods won of him, her or them, to the use of the defendant or defendants, whereby the action of the plaintiff or plaintiffs accrued to him, her or them, according to the form of this act, without setting forth the special matter.

Penalty on sending a challenge to fight,

[SECT. X. *And be it further enacted by the authority aforesaid,* That if any person within this commonwealth shall challenge, by word or writing, the person of another to fight at sword, rapier, pistol, or other deadly weapon, such person, so challenging, shall forfeit and pay for every such offence, being thereof lawfully convicted in any court of record within this commonwealth, by the testimony of one or more witnesses, or by the confession of the party offending, the sum of two hundred and eighty dollars, or shall suffer twelve months imprisonment, without bail or mainprize; and the person who shall accept any such challenge shall, in like manner, upon conviction, forfeit and pay the sum of one hundred and forty dollars, or suffer such imprisonment for and during six months; and if any person shall willingly and knowingly carry and deliver any written challenge, or shall verbally deliver any message, purporting to be a challenge, or shall consent to be a second in any such intended duel, and shall be thereof legally convicted as aforesaid, he or they, so offending, shall, for every such offence, forfeit and pay the sum of one hundred and forty dollars, or suffer six months imprisonment as aforesaid; and moreover the person challenging, and the person accepting the challenge, the person delivering the same, and the person consenting to become a second to either of the parties, shall, for every such offence, forfeit and be deprived of all the rights of citizenship within this commonwealth, for the space of seven years after conviction.]

on accepting such challenge;

on carrying such challenge;

and on consenting to be a second in the duel.

[Supplied by act of 31st March, 1806, (chap. 2717.)]

[See vol. 1, page 75.]

SECT. XI. And whereas a great abundance of taverns and public-houses for the vending of spirituous liquors has been found to promote habits of idleness and debauchery: To the end that the num-



ber thereof be determined by the measure of real utility and necessity, *Be it enacted by the authority aforesaid,* That the Judges of the Quarter Sessions for the county of Philadelphia, and the several counties within this commonwealth, respectively, shall at their first session in the year one thousand seven hundred and ninety-five, and at the first session of every year thereafter, limit and declare the number of taverns and public-houses as aforesaid, which only may be licensed for the year following such sessions within the said city and counties, respectively; the said Judges, in the distributions of their recommendations to the Governor for licences to keep such taverns and public-houses, having regard to the particular neighbourhoods and situations, the most suitable for the accommodation of the inhabitants and travellers; and the said Judges are hereby authorized to issue their recommendation as aforesaid, as far as the number so limited and declared.

1794.

The number  
of taverns  
limited.

Distribution  
of taverns.

SECT. XII. *And be it further enacted by the authority aforesaid,* That one moiety of the forfeitures in money, accruing and becoming due for any offence against this act, shall be paid to the Overseers of the Poor of the city, borough or township, wherein the offence shall be committed, for the use of the poor thereof, and the other moiety to the person or persons who shall prosecute and sue for the same; and the inhabitants of such city or other place shall notwithstanding, be admitted witnesses, to testify against any person who shall be prosecuted for any offence by virtue of this act: *Provided always,* That no person shall be prosecuted or convicted for any offence against this act, unless such prosecution be commenced within thirty days after the offence has been committed.

Appropriation of the  
forfeitures  
under this  
act.

Limitation  
of prosecution.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That from and after the said first day of August next, the act, entitled, "An act for the prevention of vice and immorality, and of unlawful gaming, and to restrain disorderly sports and dissipation," and every article, clause and thing, therein contained, and the several acts of Assembly which were thereby repealed, shall be repealed, and become null and void; and that this act, and every thing herein contained, shall then and thereupon be in full force and virtue.\*

Repeal of  
the former  
act.

(\* Chap.  
1237.)

Passed 22d April, 1794.—Recorded in Law Book No. V. page 278.

## CHAPTER MDCCXLIX.

*A further SUPPLEMENT to the act, entitled "An Act for the support of the government of this commonwealth."*

(See chap.  
1563, ante,  
page 26.)

WHEREAS it is not only proper, but just, that persons dedicating their time solely to the public service should have a reasonable compensation for the same:

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the sum of five hundred dollars be allowed, *per annum*, to the clerk

Yearly allowance to  
the clerks of

1794. of the Senate and House of Representatives, respectively, and the sum of three hundred and fifty dollars be allowed, *per annum*, to the assistant clerk of the Senate and House of Representatives, respectively; to commence from the time of their respective appointments; and also the sum of four dollars *per diem* during the session of that branch of the legislature, for which they respectively officiate.

the Senate,  
&c.  
Daily allowance.

Allowance  
to the ser-  
geants at  
arms and  
doorkeep-  
ers.

SECT. II. *And be it further enacted by the authority aforesaid,* That the following compensation shall be allowed to the officers herein after mentioned, viz. to the sergeant at arms, and doorkeeper of the Senate and House of Representatives, respectively, two dollars *per diem*, during the session, and one hundred and fifty dollars *per annum*, for *extra services*: to commence from the time of their appointment.

Repeal of  
the former  
acts on the  
same subject.

SECT. III. *And be it further enacted by the authority aforesaid,* That so much of any former act or acts of Assembly, as makes an allowance to the clerk, and assistant clerk, of the Senate and House of Representatives, respectively, and to the sergeant at arms and doorkeeper of the said two houses, respectively, be, and the same is hereby repealed, and made null and void.

Passed 22d April, 1794.—Recorded in Law Book No. V. page 269.

## CHAPTER MDCCLV.

(See notes to  
chap. 1083,  
vol. 2. page  
102, and post.  
chap. 1773.)

*An ACT to prevent the receiving any more applications, or issuing any more warrants, except in certain cases, for land within this commonwealth.*

No more ap-  
plications to  
be received  
for lands.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That, from and after the passing of this act, no applications shall be received in the Land-Office for any unimproved land within that part of this commonwealth, commonly called the New Purchase, and the Triangular Tract upon Lake Erie.

Warrants  
may issue in  
favour of ac-  
tual settlers.

SECT. II. *And be it further enacted by the authority aforesaid,* That no warrant shall issue after the fifteenth day of June next, for any land within that part of this commonwealth, commonly called the New Purchase, and the Triangular Tract upon Lake Erie, except in favour of persons claiming the same by virtue of some settlement and improvement being made thereon; and that all applications for lands that may remain on the files of the Land-Office, after the said fifteenth day of June next, and for which the purchase money shall not have been paid on that day, shall be null and void: provided, however, that applications may be received, and warrants may issue, until the first day of January, one thousand seven hundred and ninety-five, in favour of any person or persons to whom any balance or balances may be due in the Land-office, on unsatisfied warrants issued before the twenty-ninth day of March, one thousand seven hundred and ninety-two, for such quantity of land

All applica-  
tions not  
paid for, to  
be then void;

except in  
favour of  
persons hav-  
ing balances  
due.



respectively as may be sufficient to discharge such balance or balances: *Provided always*, That nothing in this act shall be so construed, as that warrants, except those wherein the land is particularly described, shall in any manner affect the title of the claim of any person having made an actual improvement before such warrant is entered and surveyed in the deputy surveyor's books.

Passed 22d April, 1794.—Recorded in Law Book No. V. page 322.

## CHAPTER MDCCLVI.

*An ACT to erect election districts in Delaware county.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the townships of Concord, Birmingham, Thornbury, Ashton, Bethel, and Upper Chichester, are hereby erected into an election district, to be called the second election district in said county; and the inhabitants thereof shall hold their annual elections at the house now occupied by Joshua Vernon, in the township of Concord.

The second  
election  
district of  
Delaware  
erected.

SECT. II. *And be it further enacted by the authority aforesaid*, That the townships of Newton, Edgemont, Upper Providence, Marple, and Radnor, are hereby erected into a separate election district to be called the third election district in the said county; and the inhabitants thereof shall hold their annual elections at the house now occupied by William Beaumont, in the township of Newton, in said county.

The third  
election  
district of  
Delaware  
erected.

SECT. III. *And be it further enacted by the authority aforesaid*, That the townships of Derby, Upper Derby, Haverford, Springfield and Tinicum, are hereby erected into a separate election district, to be called the fourth election district in said county; and the inhabitants thereof shall hold their annual elections at the house now occupied by Samuel Smith, in the town of Derby.

The fourth  
election  
district of  
Delaware  
erected.

Passed 22d April, 1794.—Recorded in Law Book No. V. page 270.

## CHAPTER MDCCLXI.

*An ACT for vesting the powers formerly exercised by the Supreme Executive Council in the proper departments under the present constitution of the commonwealth.*

WHEREAS during the continuance of the late constitution of this commonwealth, divers acts of the General Assembly were passed, whereby the Supreme Executive Council of the State, or the President or Vice-President thereof, were vested with sundry powers and authorities in such acts respectively particularly specified: And whereas it is expedient that such of the said powers and authorities, as appertain to the Supreme Executive Authority of the

1794. government, shall be expressly transferred to the Governor of this commonwealth: Therefore,

The powers of the late executive vested in the Governor;

unless otherwise vested by law, &c.

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That in all cases, where, by the laws of this commonwealth, the Supreme Executive Council, or the President or Vice-President thereof, is mentioned as having power and authority to carry the same into effect, the Governor for the time being shall be deemed and taken to be in the place and stead of the said Supreme Executive Council, or the President or the Vice-President thereof, and shall have and exercise all the powers in them, or any or either of them vested, unless such powers have been and are by law vested in some other officer or officers, person or persons, or shall be inconsistent with the provisions contained in the existing constitution of the commonwealth.*

Passed 22d April, 1794.—Recorded in Law Book No. V. page 312.

## CHAPTER MDCCLXII.

*A SUPPLEMENT to the act, entitled "An Act to incorporate the subscribers to the Bank of Pennsylvania."*

Repeal of the former act in part. (Ante. chap. 1656, page 97.) Of statements to the Legislature.

Of public and private accounts.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the sixteenth article of the seventh section of the said act be, and is hereby repealed: Provided, That the President and Directors of the said Bank, on the requisition of the Legislature, shall furnish statements of the amount of the capital stock of the said corporation, and of the debts due to the same, of the monies deposited therein, of the notes in circulation, and of the cash in hand; and the Legislature shall have a right, by joint committee, to inspect such general accounts in the books of the Bank, as shall relate to the said statements: Provided also, That this shall not be construed to imply a right to inspect the accounts of any private individual or individuals.*

Passed 22d February, 1794.—Recorded in Law Book No. V. page 323.

## CHAPTER MDCCLXVI.

[See vol. 2, pa. 531, (chap. 1505,) and the notes thereto.] *An ACT for the better preventing of crimes, and for abolishing the punishment of death in certain cases.*

WHEREAS the design of punishment is to prevent the commission of crimes, and to repair the injury that hath been done thereby to society or the individual, and it hath been found by experience, that these objects are better obtained by moderate but certain penalties, than by severe and excessive punishments: And whereas it is the duty of every government to endeavour to reform, rather than exterminate offenders, and the punishment of death ought ne-



ver to be inflicted, where it is not absolutely necessary to the public safety: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That no crime whatsoever, hereafter committed (except murder of the first degree,) shall be punished with death in the State of Pennsylvania.

The punishment of death abolished except for murder of the first degree.

SECT. II. And whereas the several offences, which are included under the general denomination of murder, differ so greatly from each other in the degree of their atrociousness, that it is unjust to involve them in the same punishment: *Be it further enacted by the authority aforesaid,* That all murder, which shall be perpetrated by means of poison, or by lying in wait, or by any other kind of wilful, deliberate and premeditated killing, or which shall be committed in the perpetration or attempt to perpetrate any arson, rape, robbery, or burglary, shall be deemed murder of the first degree; and all other kinds of murder shall be deemed murder in the second degree; and the jury, before whom any person indicted for murder shall be tried, shall, if they find such person guilty thereof, ascertain in their verdict, whether it be murder of the first or second degree; but if such person shall be convicted by confession, the court shall proceed, by examination of witnesses, to determine the degree of the crime, and to give sentence accordingly.

Of murder of the first degree:

Of murder of the second degree:

and how to be ascertained, on verdict or confession.

SECT. III. *And be it further enacted by the authority aforesaid,* That every person liable to be prosecuted for petit treason shall in future be indicted, proceeded against, and punished, as is directed in other kinds of murder.

Petit treason to be proceeded against as other murders.

SECT. IV. *And be it further enacted by the authority aforesaid,* That every person duly convicted of the crime of high treason shall be sentenced to undergo a confinement in the gaol and penitentiary-house of Philadelphia, for a period not less than six, nor more than twelve years, and shall be kept therein at hard labour, or in solitude, and shall in all things be treated and dealt with as is prescribed by an act, entitled "An Act to reform the penal laws of this state," or by the provisions of this act; that every person duly convicted of the crime of arson, or as being an accessory thereto, shall be sentenced to undergo a similar confinement, for a period not less than five, nor more than twelve years, under the same conditions as are herein expressed in the first clause of this section; that every person duly convicted of the crime of rape, or as being accessory thereto before the fact, shall be sentenced to undergo a similar confinement, for a period of time not less than ten years, nor more than twenty-one years, under the same conditions as are herein expressed in the first clause of this section; that every person duly convicted of the crime of murder, of the second degree, shall be sentenced to undergo a similar confinement, for a period not less than five years, nor more than eighteen years, under the same conditions as are herein expressed in the first clause of this section.

Of high treason.

Of arson;

Of rape.

Punishment of murder of the second degree.

SECT. V. *And be it further enacted by the authority aforesaid,* That every person who shall be convicted of having, after the passing of this act, falsely forged and counterfeited any gold or silver

Of counterfeiting and uttering counterfeit

1794.

gold or silver coin.

Of forging, or uttering forged Bank notes.

coin, which now is or hereafter shall be passing or in circulation within this state, or of having falsely uttered, paid, or tendered in payment, any such counterfeit and forged coin, knowing the same to be forged and counterfeit, or having aided, abetted, or commanded the perpetration of either of the said crimes, or shall be concerned in printing, signing, or passing any counterfeit notes of the Banks of Pennsylvania, North America, or the United States, knowing them to be such, or altering any genuine notes of any of the said Banks, shall be sentenced to undergo a confinement in the gaol and penitentiary-house aforesaid for any time, not less than four, nor more than fifteen years, and shall be kept, treated and dealt with in the manner aforesaid; and shall also pay such fine as the court shall adjudge, not exceeding one thousand dollars.

Of maiming.

[In order to convict on the first clause of this section, there need only be a general intent to maim and disfigure; but on the second clause there must be a particular intent to put out the eye. The malice and lying in wait, need not be expressly proved, it may be collected from all the circumstances of the case. *Res. publica v. Langcake, & al. Sup. Court, January, 1795. (MSS. Reports.)*]

Of voluntary manslaughter.

Second offence.

Of involuntary manslaughter; how to be proceeded against,

and punish- ed.

Benefit of clergy abolished.

SECT. VI. *And be it further enacted by the authority aforesaid,* That whosoever, on purpose and of malice aforethought, by lying in wait, shall unlawfully cut out or disable the tongue, put out an eye, slit the nose, cut off the nose, ear or lip, or cut off or disable any limb or member of another, with intention in so doing to maim or disfigure such person, or shall voluntarily, maliciously, and of purpose, pull or put out an eye, while fighting, or otherwise, every such offender, his or her aiders, abettors and counsellors, shall be sentenced to undergo a confinement in the gaol and penitentiary-house aforesaid for any time not less than two, nor more than ten years, and shall be kept, treated and dealt with in manner aforesaid; and shall also pay a fine not exceeding one thousand dollars, three fourth parts whereof shall be for the use of the party grieved.

SECT. VII. *And be it further enacted by the authority aforesaid,* That whosoever shall be convicted of any voluntary manslaughter, hereafter committed, shall be sentenced to undergo an imprisonment, at hard labour and solitary confinement, in the gaol and penitentiary-house of Philadelphia, for any time not less than two, nor more than ten years, and to give security for his or her good behaviour during life, or for any less time, according to the nature and enormity of the offence; and for the second offence shall be sentenced to undergo an imprisonment at hard labour and solitary confinement, in the gaol and penitentiary-house aforesaid, for any time not less than six, nor more than fourteen years.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That wheresoever any person shall be charged with involuntary manslaughter, happening in consequence of an unlawful act, it shall and may be lawful for the Attorney-General, or other person prosecuting the pleas of the commonwealth, with the leave of the court, to waive the felony, and to proceed against and charge such person with a misdemeanor, and to give in evidence any act or acts of manslaughter; and such person or persons, on conviction, shall be fined or imprisoned, as in cases of misdemeanor; or the said Attorney-General, or other person prosecuting the pleas of the commonwealth, may charge both offences in the same indictment, in which case the jury may acquit the party of one, and find him or her guilty of the other charge.

SECT. IX. *And be it further enacted by the authority aforesaid,* That all claims to dispensation from punishment by benefit of clergy,



or benefit of the act of Assembly, entitled "An Act for the advancement of justice, and more certain administration thereof," (\*) shall be and hereby are for ever abolished; and every person convicted of any felony, heretofore deemed clergyable, shall undergo an imprisonment at hard labour and solitary confinement, in the gaol and penitentiary-house aforesaid, for any time not less than six months, and not more than two years, and shall be treated and dealt with as is directed in the act to reform the penal laws of this state, except in those cases where some other specific penalty is prescribed by the act aforesaid to reform the penal laws of this state, or by this act.

SECT. X. *And be it further enacted by the authority aforesaid,* That every person convicted in any county in this state, other than Philadelphia county, of any crime (except murder of the first degree,) which now is, or on the fifteenth day of September, one thousand seven hundred and eighty-six, was capital, or a felony of death, without benefit of clergy, or of knowingly uttering counterfeit coin, or of being concerned in printing, signing, or passing any counterfeit notes of the Banks of Pennsylvania, North America, or of the United States, knowing them to be such, or of altering any of the genuine notes of either of the said Banks, shall as soon as possible, be safely removed and conveyed by the Sheriff, and at the expense of the commonwealth, to the gaol and penitentiary-house aforesaid, and therein be kept during the term of their confinement, in the manner and on the terms mentioned in the thirty-fourth section of the act, entitled "An Act to reform the penal laws of this state;" (\*) and every Sheriff who shall neglect to remove and safely deliver at the gaol aforesaid such convict, within forty days after sentence is pronounced on the said convict, shall forfeit and pay the sum of one hundred dollars, to be recovered in any Court of Justice, and applied, one half to the use of the county in which the offence was committed, the other to such person as shall sue for the same.

SECT. XI. *And be it further enacted by the authority aforesaid,* That every person convicted of any of the crimes last aforesaid, and who shall be confined in the gaol and penitentiary-house aforesaid, shall be placed and kept in the solitary cells thereof, on low and coarse diet, for such part or portion of the term of his or her imprisonment, as the court in their sentence shall direct and appoint: *Provided,* That it be not more than one half, nor less than one twelfth part thereof: And that the inspectors of the said gaol shall have power to direct the infliction of the said solitary confinement at such intervals, and in such manner, as they shall judge best.

SECT. XII. Whereas it is of importance that the nature of the offence, and the former conduct and character of the convict, should be known by the said inspectors, and their successors in office: *Be it further enacted by the authority aforesaid,* That whensoever any person shall be convicted of any crime, which, on the said fifteenth day of September, one thousand seven hundred and eighty-six, was capital, or a felony of death, or shall be removed from any county to the gaol and penitentiary-house aforesaid, the court, before whom such conviction is had, shall, within forty days after such offender is removed from the said county, make and cause to

1794.

\* (Vol. 1, pa. 105.)

Punishment for offences heretofore clergyable.

Convicts in any county (except for murder of the first degree,) whose crimes were formerly punished with death, &amp;c. to be removed to the gaol of Philadelphia.

Penalty on neglect or refusal of sheriff so to do.

\* (Vol. 2, pa. 531.)

Such convicts to be kept for a certain period in the solitary cells.

Limitations of such period; and how to be directed.

On the removal of convicts to the Philadelphia gaol, the court shall report to the inspectors the circumstances of their crimes and characters.

1794. be transmitted to the said inspectors, a report or short account of the circumstances attending the crime committed by such convict, particularly such as tend to aggravate or extenuate the same, and also what character the said convict appeared on the trial to sustain, and whether he had at any time before been convicted of any felony or other infamous crime; which report the said inspectors shall cause to be entered in books or registers, to be provided for that purpose.

Reports to be registered.

Punishment on committing an offence, heretofore capital, a second time.

Punishment on committing such offence, after escape or pardon.

Offences previously committed shall be punished as heretofore, unless the party pray to be sentenced agreeably to this act.

Punishment of murder of the first degree.

Challenges to be allowed as heretofore;

and trials to be had in the proper court.

Concealment of the death of a bastard, how punished;

SECT. XIII. *And be it further enacted by the authority aforesaid,* That if any person convicted of any crime, which, on the said fifteenth day of September, one thousand seven hundred and eighty-six, was capital, or a felony of death, without benefit of clergy, shall commit any such offence a second time, and be thereof legally convicted, he or she shall be sentenced to undergo an imprisonment in the said gaol and penitentiary-house, at hard labour, during life, and shall be confined in the said solitary cells at such times, and in such manner, as the inspectors shall direct; and if any person sentenced to hard labour and solitary confinement, by virtue of this or any former act, shall escape, or be pardoned, and after his or her escape or pardon shall be guilty of any such offence, as on the said fifteenth day of September, one thousand seven hundred and eighty-six, was capital, or a felony of death, without benefit of clergy, such person shall be sentenced to undergo an imprisonment for the term of twenty-five years, and shall be confined in the solitary cells aforesaid, at the discretion of the said inspectors.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That if any person shall hereafter be convicted of any crime committed before the passing of this act, he or she shall be sentenced to undergo such pains and punishment, as by the laws now in force are prescribed and directed, unless such convict shall openly pray the court, before whom such conviction shall be had, that sentence may be pronounced agreeably to the provisions of this act for the like offence, in which case, the said court shall comply with the said prayer, and pass such sentence on such convict, as they would have passed had the said offence been committed subsequent to the passing of this act.

SECT. XV. *And be it further enacted by the authority aforesaid,* That every person convicted of murder, of the first degree, his or her aiders, abettors and counsellors, shall suffer death by hanging by the neck.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That no person indicted for any crime, the punishment whereof is altered by this act, shall lose any peremptory challenge, to which he or she would have been entitled, had this act not been passed; nor be liable to be tried before any court, other than the Supreme Court or Court of Oyer and Terminer in the county where the fact was committed.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That if any woman shall endeavour privately, either by herself, or the procurement of others, to conceal the death of any issue of her body, male or female, which, if it were born alive, would by the law be a bastard, so that it may not come to light, whether it



was born dead or alive, or whether it were murdered or not, every such mother, being convicted thereof, shall suffer imprisonment at hard labour in the county gaol of the county where the fact was committed, or in the gaol and penitentiary-house aforesaid, for any time not exceeding five years; or shall be fined and imprisoned at the discretion of the court, according to the nature of the case; and if the grand jury shall in the same indictment charge any woman with the murder of her bastard child, as well as with the offence aforesaid, the jury, by whom such woman shall be tried, may either acquit or convict her of both offences, or find her guilty of one, and acquit her of the other, as the case may be.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That the concealment of the death of any such child shall not be conclusive evidence to convict the party indicted of the murder of her child, unless the circumstances attending it be such as shall satisfy the mind of the jury, that she did wilfully and maliciously destroy and take away the life of such child.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That the several acts of Assembly of this commonwealth, and such parts thereof, so far as the same are repugnant to or supplied by this act, and no further, shall be, and hereby are, repealed.

Passed 22d April, 1794.—Recorded in Law Book No. V. page 324.

## CHAPTER MDCCLXVII.

*An ACT to enable the Governor of this commonwealth to incorporate a company, for making an artificial road from the borough of Lancaster to the river Susquehanna, at or near Wright's ferry.*

SECT. I. [COMMISSIONERS appointed to receive subscriptions for a turnpike road from Lancaster to Wright's ferry. Their duty; to open subscriptions; to notify the same; and to attend at the place and time of notice. Subscriptions, by whom and in what number to be received; when to be closed. How subscriptions, in case of an excess in applications, shall be apportioned. Advance to be paid on subscribing; (obsolete.) 2. Of certifying the subscriptions to the Governor, in order to obtain a patent. Proceedings thereon to incorporate the subscribers, by the style of "The President and Managers of the Lancaster and Susquehanna Turnpike Road;" powers and privileges of the corporation. 3. Of notice to elect the corporation officers. Power to make by-laws. Limitation of the number of votes. 4. Of the annual meetings to choose officers, make by-laws, and do other corporate acts. 5. Certificates of shares, how to be prepared and issued; which shall be transferable. Assignments to be registered. 6. Of the meetings of the managers, and power of such meetings. 7. Penalty on neglect to pay dividends on shares; and forfeitures of shares. 8. Power to enter on lands for the road, and to survey and fix the course thereof; and 9. Power to take materials for the road; making amends therefor, and paying damages done to improvements, &c. 10. Breadth and construction of the road; which shall be kept in perpetual repair. 11. Proceedings to establish tolls; and

1794.  
and proceedings, in case the mother is indicted for that offence, and also the murder of the child.

Concealment of the death of such child not to be conclusive evidence of the murder.

Repeal of former acts repugnant to or supplied by this act.

1794. 12. Power to collect tolls, and the rates of tolls prescribed. 13. Regulation of the breadth of wheels, seasons for drawing therewith, and weight to be carried; but such regulations may be altered by by-laws. 14. Toll, in cases of oxen or mares.]

Proceedings  
in case the  
road is not  
kept in re-  
pair.

Suspension  
of tolls, as to  
the defective  
part;

indictment  
of the delin-  
quent super-  
intendants;

and recovery  
of the fines  
and penal-  
ties.

SECT. XV. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road in good and perfect order and repair for the space of five days, and information thereof shall be given to any Justice of the Peace of the neighbourhood, such justice shall issue a precept, to be directed to any constable, commanding him to summon three judicious freeholders to meet, at a certain time in the said precept to be mentioned, at the place in the said road which shall be complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto; and the said Justice shall at such time and place, by the oaths or affirmations of the said freeholders, enquire whether the said road, or any part thereof, is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made, under the hands of himself and of a majority of the said freeholders; and if the said road shall be found by the said inquisition to be out of order and repair, according to the true intent and meaning of this act, he shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates, between which such defective place shall be, and from thenceforth the tolls hereby granted, to be collected at such turnpike or gates for passing the interval of road between them, shall cease to be demanded, paid or collected; until the said defective part or parts of the said road shall be put into good and perfect order and repair as aforesaid; and if the same shall not be so put into good and perfect order and repair, before the next ensuing Court of Quarter Sessions of the county wherein the same shall be, the said Justice shall certify and send a copy of the said inquisition to the Justices of the said court, and the said court shall thereupon cause process to issue, and bring in the bodies of the person or persons entrusted by the company with the care and superintendence of such part of the said road as shall be so found defective, and shall proceed upon such inquisition in the same manner and form, as upon indictments found by the grand inquest for the body of the county against supervisors of the highways, for neglect of their duty; and if the person or persons entrusted by the said company as aforesaid shall be convicted of the offence by the said inquisition charged, the said court shall give such judgment, according to the nature and aggravation of the neglect, as according to right and justice would be proper in the case of supervisors of the highways neglecting their duties; and the fines and penalties so to be imposed shall be recovered in the same manner, as fines for misdemeanors are usually recovered in the said courts, and shall be paid to the supervisors of the highways of the place wherein the offence was committed, to be applied to repairing such highways, as the township or county is bound to maintain and repair at the public expense thereof.

[SECT. 16. Accounts of the company, receipts and expenditures, by whom and how to be kept, until the road is complete. If the capital is found insufficient, it may be enlarged. 17. Accounts of



tolls to be kept; and dividends of profits half yearly. 18. Abstract of the accounts to be laid before the Legislature. If the profits will not divide six *per cent.* the tolls may be raised; if they exceed fifteen *per cent.* the tolls shall be reduced. 19. Index-posts to be erected at cross roads. 20. Mile-stones to be erected; and distances marked on the turnpike gates.] 1794.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That all waggoners and drivers of carriages of all kinds, whether of burthen or pleasure, using the said road, shall, except when passing by a carriage of slower draft, keep their horses and carriages on the right-hand side of the said road, in the passing direction, leaving the other side of the road free and clear for other carriages to pass and re-pass; and if any driver shall offend against this provision, he shall forfeit and pay the sum of two dollars, to any person who shall be obstructed in his passage, and will sue for the same, to be recovered with costs, before any Justice, in the same manner as debts under ten pounds are by law recoverable. Carriages shall keep the right hand side of the road. Penalty on transgressing therein.

SECT. 22. Limitation of periods for commencing and finishing the road. (Obsolete.)

Passed 22d April, 1794.—Recorded in Law Book No. V. page 331. (n)

(n) See a supplement to this act, turnpike gates; authorizing the establishing weights and scales; and giving power to the corporation to lease the or defacing mile-stones, index posts, or tolls.

## CHAPTER MDCCLXX.

*An ACT for establishing and building a bridge across the Raystown branch of Juniata.*

[SECT. I. A BRIDGE to be built across the Juniata, and vested in W. Wallace, &c. Toll be received for passing thereon. 2. But not to obstruct persons crossing by fording. 3. Paupers to pass toll free. 4. Accounts of the profits to be laid before the Quarter Sessions, and the same may be reduced, when the profits exceed twenty *per cent.*]

Passed 22d September, 1794.—Recorded in Law Book No. V. page 361.

## CHAPTER MDCCLXXIII.

A SUPPLEMENT to the act, entitled "*An Act to prevent the receiving any more applications, or issuing any more warrants, except in certain cases, for land within this commonwealth.*" [Original act, ante. pa. 184, and see vol. 2, page 102, chap. 7083, and the notes thereto.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, no applications shall be received at the Land-Office, for any lands within this common- No applications for land to be received.

1794. wealth, except for such lands whereon a settlement has been, or hereafter shall be made, grain raised, and a person or persons residing thereon.

ed, except in cases of settlements.

Former applications made void.

Proviso, as to credit for lands sold but not secured to the purchasers.

Proviso, as to the time allowed for patenting lands.

Proviso, as to the rights of actual settlers.

\*[Ante. p. 20.]

SECT. II. *And be it further enacted by the authority aforesaid,* That all applications made since the first day of April, one thousand seven hundred and eighty-four, on the files or books of the Land-Office, for lands within this commonwealth, for which the purchase money has not been paid, shall, from and after the passing of this act, be null and void: *Provided nevertheless,* That all persons shall have the benefits of the act, passed March the twenty-ninth, one thousand seven hundred and ninety-two, entitled "An Act to authorize the Receiver-General of the Land-Office, to carry monies received into that office since a given period, for such lands sold, and which have not been, nor shall be secured to the purchasers, to the credit of such purchasers, or their assigns, in payments already due, and hereafter to become due to the commonwealth, for the purchase of any lands within the same," agreeably to the provisions contained in a supplement to the said act, passed March the sixth, one thousand seven hundred and ninety-three: *And provided also,* That nothing herein contained shall, in any manner, be construed to abridge the time for patenting lands, as declared by an act, passed the third day of April, one thousand seven hundred and ninety-four, entitled "An Act to extend the time for patenting lands:" provided that nothing in this act shall, in any wise injure the rights of those persons who now hold, or hereafter shall hold, lands by virtue of actual settlements and improvements made, or to be made, under the law passed the third day of April, one thousand seven hundred and ninety-two.\*

Passed 22d September, 1794 — Recorded in Law Book No. V. page 353.

## CHAPTER MDCCLXXIV.

*An ACT for erecting a new election district, and for changing the place for holding their elections in the third, or upper district in the county of Huntingdon.*

The fourth election district in Huntingdon county.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the townships of Woodberry, Frankstown, and that part of Allegheny township, that lies west of the widow Edington's, shall, after the passing of this act, be a separate election district, to be called the fourth election district, in the said county; and the free-men of the said district shall hold their annual elections at the store-house now occupied by Alexander M'Dowel, in Frankstown township.

The third election district in the same county.

SECT. II. *And be it further enacted by the authority aforesaid,* That the townships of Franklin, Tyrone, Morris, and that part of Allegheny township that lies east of the widow Edington's, being the remainder of the said upper or third district, shall from and



after the passing of this act, be a separate election district, to be called the third election district; and the freemen of the said district shall hold their annual elections at the house now occupied by Captain Alexander Ramsey, junior, in Franklin township aforesaid, any law to the contrary notwithstanding. 1794.

Passed 22d September, 1794.—Recorded in Law Book No. V. page 352.

## CHAPTER MDCCLXXV.

*An ACT to enable John Walker to extend his wing-dam across Conedogwinet Creek.* (Ante. page 109.)

[SECT. I. JOHN WALKER empowered to erect a mill-dam across Conedogwinet creek. The navigation not to be injured thereby, &c.]

Passed 22d September, 1794.—Recorded in Law Book No. V. page 351.

# A C T S

OF THE

## General Assembly of Pennsylvania.

Passed during the fifth Legislature under the present Constitution, which commenced the 2d December, 1794, and ended 20th April, 1795.

1795.

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THOMAS MIFFLIN, GOVERNOR.  
WILLIAM BINGHAM, SPEAKER OF THE SENATE.  
GEORGE LATIMER, SPEAKER OF THE HOUSE OF  
REPRESENTATIVES.

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### CHAPTER MDCCLXXX.

*An ACT to erect an additional election district in Westmoreland county.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That that part of Westmoreland county included within the following bounds is hereby erected into a separate election district, to be called South Huntingdon district; beginning on the Chesnut Ridge, at the division line between the townships of Mount-Pleasant and Donegal, where the road known by the name of Williams's road crosses said line; thence along said road westward to Jacob Painter, Esquire's mill, on Sewickley creek; thence down said creek to Youghiogeny river; thence up said river to the mouth of Jacob's creek; thence up said creek, being the division line between Westmoreland and Fayette counties, and bounding on said division line, to the line dividing Tyrone and Mount-Pleasant townships; thence along said line to the place of beginning; and the freemen of the said district shall hold their annual elections at the house now occupied by Jacob Hough, junior.*

South Huntingdon election district in Westmoreland county erected.

Passed 8th January, 1795.—Recorded in Law Book No. V. page 370.



## CHAPTER MDCCLXXXII.

1795.

*An ACT to erect a new election district in Dauphin county.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the township of Middle Paxton, in the county of Dauphin, be, and the same is hereby erected into a separate election district, to be called the seventh election district in the county aforesaid; and the freemen thereof are hereby authorized to hold their annual elections at the house now occupied by John Ayres, in the manner, and under the regulations, prescribed by the constitution and laws of this commonwealth.*

The seventh election district of Dauphin county erected.

Passed 12th February, 1795.—Recorded in Law Book No. V. page 373.

## CHAPTER MDCCLXXXV.

A SUPPLEMENT to the act, entitled "*An act to empower the Wardens of the city of Philadelphia to extend the Market-house in High-street from Third-street to Fourth-street from Delaware river, and to continue the same from time to time westwardly, from one street to another, in the middle of High-street, as the Wardens of the said city shall think necessary, and for other purposes therein mentioned.*"

(Original act, vol. 2, pa. 372.)

WHEREAS by an act of the General Assembly, passed the twenty-third day of March, one thousand seven hundred and eighty-six, it was enacted, That when the Market-house in the city of Philadelphia, in and by the said act directed to be built, should be finished and completed, one half of the said buildings should be and remain free for the country people attending the said market for ever: And whereas the Mayor, Aldermen and citizens of Philadelphia, by an ordinance made on the eighth day of June, one thousand seven hundred and eighty-nine, did, in pursuance of the views of the Legislature, ordain, that the western moiety of the said Market-house should be for the use of the inhabitants of the country, as provided for by the act of Assembly above mentioned: And whereas the intentions of the Legislature appear likely to be frustrated, by the intrusion of persons of a different description from those originally intended to be thus provided for:

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall not be lawful for any person whatever to sell any beef in the western moiety of the Market-house or shambles in High-street, between Third-street and Fourth-street, in the city of Philadelphia; nor for any person exercising the trade of a butcher or victualler to occupy any stall, or sell any meat of any kind, within the said western moiety of the market-house or shambles aforesaid*

Butchers excluded from the western moiety of the market house between Third and Fourth streets.

1795.

The corporation empowered to make by laws, to effect this act.

The corporation empowered to levy taxes for extending the market house when necessary.

When the market is extended, a moiety shall remain free for the country people.

SECT. II. *And be it further enacted by the authority aforesaid,* That the Mayor, Aldermen and citizens of Philadelphia, shall have power to make and enforce such by-laws, rules and ordinances, as may be found expedient for the purpose of carrying this act into execution, conformably to the true intent and meaning thereof.

SECT. III. *And be it further enacted by the authority aforesaid,* That the Mayor, Aldermen and citizens of Philadelphia, in Common Council assembled, be, and they are hereby, authorized to assess, levy and collect, from the inhabitants of the said city, and upon all estates real and personal, and taxables, within the same, such sum or sums of money as they may deem necessary to enable them to extend the market in High-street, whenever they may think proper so to do; which taxes shall be levied and collected in the same manner as the city taxes are.

SECT. IV. *And be it further enacted by the authority aforesaid,* That when the market shall be so extended, the one half of the buildings erected shall be and remain free for the country people bringing the produce of their farms to market for ever, and agreeably to what is directed by the first section of this act; and that no fees, tolls or perquisites, be demanded or exacted from them, for the use thereof.

Passed 12th February, 1795.—Recorded in Law Book No. V. page 372.

## CHAPTER MDCCLXXXVI.

*An ACT to erect the townships of Lackawana, Exeter and Providence, in the county of Luzerne, into a separate election district.*

Lackawana election district erected.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the townships of Lackawana, Exeter and Providence, in the county of Luzerne, are hereby erected into a separate election district, to be called the Lackawana district, in the county aforesaid; and the freemen of the said district shall hold their annual elections at the house of William Hooker Smith, in the township of Lackawana aforesaid.

Passed 25th February, 1795.—Recorded in Law Book No. V. page 376.

## CHAPTER MDCCLXXXVII.

*An ACT to authorize Benjamin Elliott, to erect a wing-dam on the east side of the river Juniata, in Huntingdon county.*

SECT. 1. [BENJAMIN ELLIOTT, empowered to erect a wing-dam on the river Juniata; provided the navigation and fishery shall not be obstructed. 2. Complaints against the dam how to be proceeded on, by viewers appointed by the sessions.]

Passed 25th February, 1795.—Recorded in Law Book No. V. page 375.



## CHAPTER MDCCLXXXVIII.

1795.

*A further SUPPLEMENT to the act, entitled "An act to enable the Governor of this commonwealth to incorporate a company, for opening a canal and lock navigation on the waters of Brandywine creek."*

SECT. 1. [AT what time, and with what restrictions, the company for the Brandywine Canal may be incorporated. 3. The report of the courses and distances for the canal confirmed.]

See notes to  
original act  
ante. pa.  
114.]

Passed 21st February, 1795.—Recorded in Law Book No. V. page 379.

## CHAPTER MDCCLXXXIX.

*An ACT to vest in trustees, for the use of the religious society of people called Quakers, a certain six acres of land, as therein mentioned.*

SECT. 1. [A CERTAIN tract of land vested in new trustees, for the use of the Quakers belonging to New-Garden meeting, situate in New-Garden township, Chester county.]

Passed 21st February, 1795.—Private Act.—Recorded in Law Book No. V. page 377.

## CHAPTER MDCCXC.

*An ACT to authorize Jeremiah Rees and Samuel Fisher to maintain a dam across Connedogwinet creek.*

SECT. 1. [JEREMIAH REES and Samuel Fisher empowered to maintain a dam across Connedogwinet creek. 2. Obligations on them to keep the dam in order; dimensions of the slope to be kept for the passage of rafts; and of the lock. 3. Complaints against them, how to be proceeded upon by commissioners appointed by the sessions.]

Passed 25th February, 1795.—Private Act.—Recorded in Law Book No. V. page 384.

## CHAPTER MDCCXCIII.

*An ACT empowering certain trustees therein named, to sell and dispose of a certain house and lot of ground, situate in the borough of Easton, and county of Northampton, in the state of Pennsylvania, and appropriate the monies arising from the sale thereof towards the purchase of a parsonage, or dwelling-house, for the minister of the four Protestant Evangelic Reformed German congregations, to wit, of Easton, Nazareth and Plainfield townships, in the county of Northampton, and state of Pennsylvania, and Greenwich township, in the county of Sussex, and state of New-Jersey, for the time being.*

SECT. 1. [TRUSTEES empowered to sell and convey certain

1795. lots; and to build with the proceeds a parsonage house, for the minister of the four Protestant Evangelic Reformed congregations.]

Passed 25th February, 1795.—Recorded in Law Book No. V. page 383.

## CHAPTER MDCCXCIV.

[Original  
act, ante. pa.  
140.]

*A SUPPLEMENT to the act, entitled "An act to incorporate the Insurance Company of the state of Pennsylvania."*

SECT. 1. [REPEAL of part of the act incorporating the Pennsylvania Insurance Company; and substitute therefor, as to the number of votes in proportion to shares.]

Passed 5th March, 1795.—Recorded in Law Book No. V. page 390.

## CHAPTER MDCCXCV.

*An ACT to erect the town of Chester, and its vicinity, in the county of Delaware, into a borough, and for other purposes therein mentioned.*

SECT. 1. [CHESTER, in Delaware county, erected into a borough; boundaries thereof. 2. Of the election of Burgesses and Assistants, a High Constable and Town Clerk. 3. By whom and how the election shall be held and declared. 4. Penalty on refusing to serve in any borough office; and how a new election shall be held, to supply the vacancy. 5. How the official qualifications shall be administered to the borough officers. 6. Of the markets to be kept in the borough; and the Clerk of the Market. 7. Of town-meetings, to make ordinances, and assess taxes.]

Passed 5th March, 1795.—Recorded in Law Book No. V. page 387.

## CHAPTER MDCCXCVI.

*An ACT to authorize the Governor of this commonwealth to incorporate a company for erecting a bridge over the river Delaware, at the borough of Easton, in the county of Northampton.*

SECT. 1. [COMMISSIONERS appointed to superintend subscriptions for erecting a bridge over the Delaware, at Easton. Form of the subscription, and the times and places of receiving subscriptions, and how to be advertised. Who may subscribe, and for what number of shares respectively. Of adjournments by the commissioners. Of closing the books, and apportioning shares, if the subscriptions exceed the number allowed. If the subscription is not filled at one place, it may be transferred to another. Ten dollars for each share to be paid on subscribing. Appropriation thereof. 2. When and in what manner the subscribers shall be incorporated. The style of the corporation to be "The President, Ma-



nagers and company for erecting a bridge over the river Delaware, at the borough of Easton," and its rights and privileges. 3. Of the proceedings to organize the corporation, and choose its officers, and limitation of the number of votes. 4. Of the meetings of the stockholders. 5. Of certificates of shares and transfers. 6. Of the meetings of the President and Managers; their power to form contracts; and to apportion payments on shares; and to draw monies; and transact other business. 7. Penalty on making default in paying for shares. 8. The powers of the corporation to enter lands, and take materials, making compensation for damages, &c. How such powers shall be restricted and exercised. 9. Of the accounts of the corporation; and of increasing the number of shares. 10. The bridge, when completed, vested in the corporation, with a right of toll. Rate of tolls prescribed, and the bridge shall not impede the navigation of the river. 11. Two oxen shall be estimated equal to one horse. 12. Penalty on exceeding the tolls allowed, and limitation of action for such offences. 13. Account of tolls to be kept, Dividend of the profits, when and how to be made. 14. The accounts of the corporation to be laid triennially before the Legislature. When the tolls may be increased; or reduced. [15. This act not to operate till the Legislature of New-Jersey has passed a similar law. In what case the Legislature may resume the privilege granted by this act.]

[Obsolete.]

Passed 13th March, 1795.—Recorded in Law Book No. V. page 396. (o)

(o) The company authorized to the state, by act of 10th March, 1806, raise money by lottery, by act of 4th (chap. 2658,)—and see act of 30th January, 1798, (chap. 1990.) Ten thousand dollars loaned to the company, by

## CHAPTER MDCCXCVII.

*An ACT to erect the township of Hopewell, in the county of Bedford, into a separate election district.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the township of Hopewell, in the county of Bedford, is hereby erected into a separate election district, to be called the tenth election district in the county aforesaid; and the freemen of the said district shall hold their annual elections at the house now occupied by Mordecai Williams, in the township aforesaid.*

The tenth election district of Bedford county erected.

Passed 13th March, 1795.—Recorded in Law Book No. V. page 392.

## CHAPTER MDCCXCVIII.

*An ACT to authorize William Beatty to erect a dam from Sheep-Island to the west side of the river Juniata, in the county of Cumberland.*

SECT. 1. [WILLIAM BEATTY authorized to erect a dam from Sheep-Island to the west bank of Juniata. The navigation of

1795. the river not to be obstructed. 2. Complaints shall be proceeded on by viewers to be appointed by the sessions.]

Passed 13th March, 1795.—Recorded in Law Book No. V. page 391.

## CHAPTER MDCCXCIX.

*An ACT to erect Bald-Eagle township, and part of Potter's township, in the county of Mifflin into a separate election district, and for other purposes therein mentioned.*

Bald-Eagle and part of Potter's township erected into an election district.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Bald-Eagle township, and so much of Potter's township, in the county of Mifflin, as will lie north of a line to be drawn from the house lately occupied by Nathaniel Adams, at the end of Nittany mountain, to the centre between Tussey's mountain and Bald-Eagle ridge, on the Huntingdon county line, be, and the same are hereby erected into a separate election district; and the freemen thereof are hereby authorized to hold their annual elections at the house now occupied by Richard Miles, in the town of Milesborough.*

When the freemen of the other part of Potter's township shall elect.

SECT. II. *And be it further enacted by the authority aforesaid, That the freemen of Potter's township, in the county of Mifflin, living on the south side of the aforesaid line, shall, and they are hereby authorized to hold their annual elections at the house now occupied by William King, in the township of Potter aforesaid, any law to the contrary notwithstanding.*

Passed 13th March, 1795.—Recorded in Law Book No. V. page 391.

## CHAPTER MDCCC.

*An ACT to erect the town of Bedford, in the county of Bedford, into a borough.*

SECT. 1. [BEDFORD erected into a borough. Boundaries thereof. 2. Of the election of Burgesses, Assistants, High Constable and Town Clerk. 3. The borough incorporated and its powers, 4. Of borough markets and the clerks thereof. 5. The borough to enjoy the same powers as Reading.]

(See vol. 2, page 76.)

Passed 13th March, 1795.—Recorded in Law Book No. V. page 393.

## CHAPTER MDCCCI.

*An ACT to erect the township of the Northern-Liberties of the city of Philadelphia into two districts, and for other purposes therein mentioned.*

WHEREAS the increase of population and improvement in the township of the Northern Liberties of the city of Philadelphia,



require that the said township should be divided into two districts, for the purpose of admitting each district to choose one assessor and two inspectors: 1795.

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* Second-street continued from the city of Philadelphia to where the same terminates in the Germantown road, thence by said road to the northern boundary of the township of the Northern-Liberties, shall be the line for dividing the said township into two districts: and all that part of the said township, between the river Delaware and the aforesaid division line, shall be called the eastern district, and the remaining part thereof shall be called the western district of the township of the Northern-Liberties.

The eastern and western district of the Northern-Liberties defined.

SECT. II. *And be it further enacted by the authority aforesaid, That* it shall and may be lawful for the electors residing in the township of the Northern-Liberties to meet together in their respective districts, at the time and in manner and form prescribed by law, to choose one assessor and two inspectors for each district respectively, any thing in any law to the contrary in any wise notwithstanding.

The inhabitants of each district to choose one assessor and two inspectors.

Passed 13th March, 1795.—Recorded in Law Book No. V. page 395.

## CHAPTER MDCCCLII.

*An ACT for building a town-house and market-place between Coates'-street and Poplar-lane, on Second-street continued in the Northern-Liberties of the county of Philadelphia, and for other purposes therein mentioned.*

WHEREAS the proprietors and owners of the ground between Coates'-street and Poplar-lane, to encourage the improvement of that part of the Northern-Liberties, did leave open, for public use, a piece of ground, of the breadth of twenty feet on each side of Second-street continued, between Coates'-street and Poplar-lane: And whereas a number of freeholders and other inhabitants of the county of Philadelphia, and of the Northern-Liberties thereof, have, by their petition, represented to the Legislature, that they labour under many difficulties by reason of the remote distance they are from any Market-place, that a market established at the place contemplated by the petitioners will be very convenient for the accommodation of the people residing near the same, as well as the citizens who inhabit that part of the Liberties called Kensington, which consists chiefly of ship-builders, and other useful mechanics, and having offered to build by subscription, without any charge to the public, and that after all the costs of the buildings and incidental expenses thereof are paid and satisfied, all the profits and income of the said market shall be appropriated to the benefit of a charity school for the said township of the Northern-Liberties, and praying that the Legislature will pass a law for the purpose.

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That*

1795.

A market-place established between Coates'-street and Poplar-lane in the Northern-Liberties.

from and after the passing of this act, that part of Second-street continued, between Coates'-street and Poplar-lane, in the Northern-Liberties of the county of Philadelphia, together with the twenty feet on the east side of the said Second-street, left open by the proprietors and owners of the ground between Coates'-street and Poplar-lane, shall be and remain, and it is hereby declared to be and remain for ever, a public Market-place, for buying and selling all sorts of provisions, victuals, and things of the country produce and manufactures, on every day of the week, Sunday excepted; and that all manner of persons shall have liberty to expose to sale, their country produce on such stalls, or other stands, as shall be assigned them by the clerk of the market, they paying a reasonable toll.

Trustees appointed for the fund to erect a town-house and market-place;

SECT. II. And in order that a town-house and market-place may be built, and the monies necessary be raised and collected for that purpose: *Be it enacted by the authority aforesaid*, That William Coates, Esquire, Jacob Weaver, Esquire, Doctor John Weaver, Doctor Peter Peres, Jacob Whitman, William Peter Sprague, Daniel Miller, John Brown, Michael Groves, and John Nicholas Wagner, shall be superintendants of the said buildings, and shall have power to take subscriptions and donations for the building of the said town-house and market-place, and for purchasing or making moveable stalls, copper or brass standards of weights or measures, and other things necessary for the keeping a market; and in order that such subscription monies may be actually paid, when wanted for the purposes aforesaid, each subscriber shall give a note under his hand and seal, to the Treasurer, payable on a certain day or days, or on demand, either in one entire payment, or by instalments; and such notes, if attested by credible witnesses, shall have the same force, and be to the same effect in law, as notes given or taken for a valuable consideration; and the said superintendants shall appoint a treasurer, either of their own number, or any other of the inhabitants of the Northern-Liberties, for whom they shall be answerable to the rest of the subscribers, but may take such security from him, as to them shall seem meet; and the said treasurer shall, upon the receipt of any subscription money, give a certificate, attested by two of the superintendants, to the person who paid the same, expressing therein whether it be his donation or loan, and to the lenders, that the principal sum lent, and the interest thereof, at the rate of six per centum per annum from the time of actual payment, is to be paid out of the profits and income of the said market, at every distribution of the said income to be made annually among the said lenders, which certificates shall be assignable, in like manner as bonds or promissory notes are made assignable by law.

and to build the town-house and market-place.

SECT. III. *And be it further enacted by the authority aforesaid*, That it shall be lawful to and for the said William Coates, Esquire, Jacob Weaver, Esquire, Doctor John Weaver, Doctor Peter Peres, Jacob Whitman, William Peter Sprague, Daniel Miller, John Brown, Michael Groves and John Nicholas Wagner, or a majority of them, out of the monies subscribed and paid, to build, on Second-street continued from the city of Philadelphia in the Northern-Liberties, between Coates'-street and Poplar-lane, a Town-house and Market-



place, to accommodate the public business of the said township, and for the ease and convenience of the inhabitants thereof, commencing the building of the same at the distance of forty feet northwardly from the north side of Coates'-street, in the middle of Second-street, the Town-house to be of the breadth of twenty-four feet in front, and thirty feet in depth along Second-street, commencing the building of the market at the north side of, and adjoining to the said Town-house, thence extending northwardly, in the middle of Second-street, to within forty feet of Brown-street, of the breadth of eighteen feet, with leaving a passage at least forty feet wide on each side the said market, between the lane and the houses and lots on the eastern and western sides of the said Second-street or oblong square, and purchase and keep moveable stalls or stands, to be used on market-days, when the fixed stalls shall not be sufficient to contain all that is brought to the said market; that it shall be lawful for the freeholders and inhabitants of the Northern-Liberties of the county of Philadelphia, subscribers to the sum of three pounds at least annually, until all the monies borrowed on certificates shall be fully paid, at the time and place of choosing Supervisors of the highways, then and there to choose by ballot three Superintendants of the Town-house and market aforesaid, and also one Clerk of the said market, who shall make assay of weights and measures in the said market, and do and perform all things belonging to the office of Clerk of the market aforesaid.

1795.

SECT. IV. *And be it further enacted by the authority aforesaid,* That if the said market shall be ready to be opened before the first day of May, one thousand seven hundred and ninety-seven, then Henry Faunce shall be Clerk of the market until that day, and that the said William Coates, Esquire, Jacob Weaver, Esquire, Doctor John Weaver, Doctor Peter Peres, Jacob Whitman, William Peter Sprague, Daniel Miller, John Brown, Michael Groves and John Nicholas Wagner, shall continue in the office of Superintendants until the third Saturday in the month of January of the year one thousand eight hundred, unless one or more of them should in the mean time die, resign, or remove from the township, who shall be replaced on the township's election day for Supervisors next after such death, resignation or removal, by the subscribers aforesaid; and whenever the said Market-house shall be built, and all the lenders of money on certificates shall be fully paid and satisfied, then and from thenceforth no more than two Superintendants, a Clerk of the market, and one Treasurer, shall be annually elected as aforesaid, which said Superintendants, Clerk of the market, and Treasurer, shall be chosen by such of the freemen of the township of the Northern-Liberties, as are qualified to elect members of the General Assembly.

Of the Clerk  
and Superin-  
tendants of  
the Market.

SECT. V. *And be it further enacted by the authority aforesaid,* That the compensation of the Clerk of the said market shall be fixed by the Superintendants to be appointed as aforesaid, until the same shall be regulated by an act of Assembly; and that the said Superintendants shall annually, on the same day when the Supervisors of the highways render their accounts to the Justices of the district for the county of Philadelphia, exhibit to the said Justices

The compensation of the Clerk of the Market and Superintendants, who shall render accounts.

1795. a fair and true account of all the donations and loans received, and of the costs and expenses of the buildings and incidental charges, and of the income of the said market, and how much of the monies lent on certificates hath been paid to the lenders, which account shall be filed in the office of the Clerk of the session, and be free to inspection of all persons whom it may concern; and that from and after the liquidation of all sums of money, principal and interest, lent on certificates, the clear income and profits of the said market shall be employed for a charity-school for the said township of the Northern-Liberties.

Elections to be held at the Town-house.

SECT. VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the electors of the township aforesaid to hold their general elections at the said Town-house, as soon as the buildings shall be completely finished agreeably to the true intent and meaning of this act, any thing in any law to the contrary in any wise notwithstanding.

Passed 27th March, 1795.—Recorded in Law Book No. V. page 404.

## CHAPTER MDCCCIII.

*A SUPPLEMENT to the act, entitled “An Act to incorporate the district of Southwark.”*

(Original act, ante. pa.130.)

How fines imposed by the commr's of Southwark shall be recovered.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That all fines, penalties and forfeitures, arising from the breach of ordinance or regulation passed, or which may be passed, by the board of commissioners for the district of Southwark, respecting any offence for which the party might not have been proceeded against by indictment before the passing of the act, entitled “An Act to incorporate the district of Southwark,” may be recovered before any Justice of the Peace in the county of Philadelphia; provided the fine, penalty or forfeiture do not exceed the sum of fourteen dollars: *Provided always,* That if any person shall conceive him, her or themselves aggrieved by any judgment to be given as aforesaid, it shall and may be lawful for such person or persons, at any time within the space of six days next following the date of such judgment, to appeal therefrom to the next Court of Common Pleas of the county of Philadelphia, he, she or they first entering into recognizance, with at least one sufficient surety, in the sum of twenty-eight dollars, to prosecute the said appeal with effect, and to abide the order of the Court, or, in default thereof, to be sent, by mittimus, to the Sheriff of the county, by him to be kept, until he, she or they perform the judgment of the court, or be otherwise legally discharged.

Appeal.

Passed 27th March, 1795.—Recorded in Law Book No. V. page 410.



## CHAPTER MDCCCIV.

1795.

*An ACT to erect the township of Heidelberg, in the county of Dauphin, into a separate election district.*

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the township of Heidelberg, in the county of Dauphin, be, and the same is hereby, erected into a separate election district, to be called the eighth election district in the county aforesaid; and the freemen of the said district shall hold their annual elections at the house now occupied by Samuel Rix, in Shaffer's-town, in the manner and under the regulations, prescribed by the constitution and laws of this commonwealth.*

The eighth election district of Dauphin county erected.

Passed 27th March, 1795.—Recorded in Law Book No. V. page 408.

## CHAPTER MDCCCV.

*An ACT to authorize William Gardner, junior, to erect a dam from a certain rocky island in the river Youghiogeny, in the county of Westmoreland, opposite to his own land, to the south west bank of the said river.*

SECT. 1. [WILLIAM GARDNER empowered to erect a dam in the Youghiogeny. 2. Complaints shall be proceeded on by viewers appointed by the sessions.]

Passed 27th March, 1795.—Recorded in Law Book No. V. page 409.

## CHAPTER MDCCCVIII.

*A SUPPLEMENT to the act, entitled "An Act to appoint Trustees to purchase a piece of land within described bounds, and thereon to erect a Court-house and Prison, for the use of the county of Westmoreland."*

(Original act, vol. 2, pa. 339.)

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the sales of sundry lots of grounds made by the Trustees appointed by the act, entitled "An act to appoint Trustees to purchase a piece of land within described bounds, and thereon to erect a Court-house and Prison, for the use of the county of Westmoreland," passed the thirteenth of September, one thousand seven hundred and eighty-five, which lots were part of the piece of ground purchased by the said Trustees, by virtue of the said act, for the purpose of erecting thereon a Court-house and Prison, for the public service of Westmoreland county, be, and the said sales are hereby, declared to be as valid for the conveyance of the estate said to be granted by the said sales, as if by the said recited act the said Trustees had*

Sales of the Trustees of Westmoreland county for a public tract confirmed.

1795. been authorized to sell any part of the piece of ground aforesaid to private individuals ; provided, however, that the said Trustees shall be accountable for the monies arising from the sale of the said lots to the Commissioners of the county of Westmoreland.

Passed 31st March, 1795.—Recorded in Law Book No. V. page 418.

## CHAPTER MDCCCIX.

*An ACT to enable the owners and possessors of a certain tract of marsh and meadow land, therein described, situate in the township of Kingessing, in the county of Philadelphia, to keep the banks, dams, sluices and flood-gates in repair, and to raise a fund to defray the expenses thereof.*

SECT. I. [THE company of the Southern district of Kingessing Meadows established. 2. Time and place of appointing Managers and a Treasurer. 3. Penalty on refusal to act as Managers, and how the vacancy in the office of Manager or Treasurer shall be supplied. 4. Treasurer to give surety ; and condition of the bond. 5. The banks, &c. to be hereafter supported in common by the Managers, who may assess taxes for the purpose. Owners shall sow their banks with grass-seed. Banks now out of repair to be repaired at the expense of the owners. 6. Powers of the Managers. 7. Of making a dam across Mingoe's creek. 8. Of cutting weeds injurious to the meadows. 9. Of ditches, fences and enclosures. Of swine found within the enclosures. 10. Of making new ditches and drains, and scowering the old, and how disputes shall be settled. 11. Of the Treasurer and his duty. 12. Penalty on injuring the banks, dams, sluices or flood-gates, to be recovered, on conviction in the Sessions of Philadelphia county. 13. Proceeding in case of any owner's refusing to pay the taxes. 14. Of the meetings of the Managers, and the examination and repair of the banks. 15. Compensation of the Managers and Treasurer. Part of a former act repealed ; (see vol. 1, pa. 265, 283, vol. 2, pa. 272.)]

Passed 31st March, 1795.—Recorded in Law Book No. V. page 410. Private act.

## CHAPTER MDCCCXIV.

*An ACT to erect the township of Green in the county Washington, into a separate election district.*

SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted, by the authority of the same, That the township of Green, in the county of Washington, be, and the same is hereby erected into a separate election district ; and the freemen of said district shall hold their annual elections at Jarret's Fort, at the house now occupied by George Cox, in the same manner and under the same regulations, prescribed by the constitution and laws of this commonwealth.

Passed 11th April, 1795.—Recorded in Law Book No. V. page 435.

The township of Green erected into a separate election district.



## CHAPTER MDCCCXV.

1795.

*An ACT to prevent intrusions on lands within the counties of Northampton, Northumberland, and Luzerne.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That if any person shall, after the passing of this act, take possession of, enter, intrude, or settle on any lands within the limits of the counties of Northampton, Northumberland, or Luzerne, by virtue or under colour of any conveyance of half share right, or any other pretended title, not derived from the authority of this commonwealth, or of the late Proprietaries of Pennsylvania before the revolution, such person, upon being duly convicted thereof, upon indictment in any Court of Oyer and Terminer, or Court of General Quarter Sessions, to be held in the proper county, shall forfeit and pay the sum of two hundred dollars, one half to the use of the county, and the other half to the use of the informer; and shall also be subject to such imprisonment, not exceeding twelve months, as the court, before whom such conviction is had, may in their discretion direct.

Intruders on lands within Northampton, Northumberland, and Luzerne, counties how punishable.

SECT. II. *And be it further enacted by the authority aforesaid,* That every person who shall combine or conspire for the purpose of conveying, possessing, or settling on any lands within the limits aforesaid, under any half share right or pretended title as aforesaid, or for the purpose of laying out townships by persons not appointed or acknowledged by the laws of this commonwealth, and every person that shall be accessory thereto, before or after the fact, shall for every such offence, forfeit and pay a sum not less than five hundred, nor more than one thousand dollars, one half to the use of the county, and the other half to the use of the informer; and shall also be subject to such imprisonment at hard labour, not exceeding eighteen months, as the court in their discretion may direct.

Combinations to convey, possess, and settle, under pretended titles, how punishable.

SECT. III. *And be it further enacted by the authority aforesaid,* That the court wherein any such conviction shall have been had shall issue their writ to the Sheriff of the county, wherein the said offence has been committed, or the said conviction had, or if the said court shall be of opinion that the Sheriff or Coroner are not impartial, then to any other person or persons they may think proper, commanding him or them, together with the power of the county, if he or they should judge their assistance necessary, to proceed to the lands in question, and therefrom to expel and eject all and every the person and persons thereon intruded as aforesaid; and if the said Sheriff, or other person or persons appointed as aforesaid, should make return to the said writ, that he or they have been unable to execute the same, by reason of the forcible resistance of the parties, or any other persons, or from a just apprehension of such resistance as would render the execution thereof by himself or themselves, and the power of the county, impracticable, the Prothonotary of the court to which such writ is so returned shall forthwith transmit a copy of the said writ and return, under the seal of the said court, to the Governor, and if, upon the said return, or if, upon

Proceedings to eject intruders.

Proceedings if the officer returns that he is resisted forcibly, to call out the militia.

1795. a certificate signed by the President, or one of the Judges of the Court of Common Pleas of the proper county, or by one of the Judges of the Supreme Court, that the process of the court, has been resisted, or that there is reason to believe that the civil authority will be incompetent to the execution of this law, the Governor shall deem it expedient to order out a portion of the Militia of this state to assist the civil authority in carrying into effect this act, or any part thereof, the detachments so called out shall receive the same pay and rations, and be subject to the same rules and regulations, as are provided in other cases.

In what case the venire, to try offenders may be directed to others than the Sheriff or Coroner.

SECT. IV. *And be it further enacted by the authority aforesaid,* That if a Judge of the court of Quarter Sessions for the proper counties, or a Judge of the Supreme Court, shall apprehend that the Sheriff and Coroner are not impartial, it shall and may be lawful for the said Judge to direct the venire for the grand inquest, and for the traverse jury, to any person or persons he or they may think proper.

Penalty on resisting any officer in the execution of this act.

SECT. V. *And be it further enacted by the authority aforesaid,* That if any person or persons shall resist any officer, or other person duly authorized, in the execution of this act, or any part thereof, every person or persons so offending, and every person that shall be accessory thereto, before or after the fact, shall, on conviction, forfeit and pay a sum not more than five thousand nor less than five hundred dollars, and undergo an imprisonment at hard labour for any period not less than three, nor more than seven years.

This act to be read in the several courts of Northampton, Northumberland and Luzerne; and the Governor may issue a proclamation.

SECT. VI. *And be it further enacted by the authority aforesaid,* That in order to disseminate a knowledge of the provisions contained in this act, it shall be the duty of the Prothonotaries of the several Courts of Common Pleas of the counties of Northampton, Northumberland, and Luzerne, and they are hereby respectively enjoined and required, to read, or cause to be read, in open court, the said act, and every part thereof, at least once in each of the three terms next after receiving the same; and also it shall and may be lawful for the Governor of this commonwealth to issue his proclamation, enjoining and requiring all persons having intruded as aforesaid to withdraw peaceably from the lands whereon such intrusions have been made; and further enjoining and requiring the several officers of government, and the good citizens of this state, to prevent or prosecute, by all legal means, such intrusions and intruders, and to afford their most prompt and effectual aid, in their several and respective capacities, to carry into full execution the laws of this commonwealth relative thereto, *Provided always,* That nothing in this act contained shall extend to the claims of persons claiming lands under and by virtue of an act, entitled "An act for ascertaining and confirming to certain persons, called Connecticut claimants, the lands claimed by them within the county of Luzerne, and for other purposes therein mentioned\*," passed the twenty-eighth day of March, one thousand seven hundred and eighty-seven: *And provided further,* That this act, or any thing therein expressed, shall not be considered as intended to affect any claims under the said law, nor as a legislative construction or opinion, respecting said act, or an act, entitled "An act to repeal an act, entitled "An act for

Proviso, as to claims under the Confining Law,

(\* Chap. 274.)

and the construction of the repealing law.



ascertaining and confirming to certain persons, called Connecticut claimants, the lands by them claimed within the county of Luzerne, and for other purposes therein mentioned†," passed the first day of April, one thousand seven hundred and ninety, or the validity or effect of either of the said laws. (p)

1795.  
† Vol. 2, pa.  
524, and see  
*Vanhorne's*  
*lessee v.*  
*Dorrance*, 2  
*Dallas*, 304.

Passed 11th April, 1795.—Recorded in Law Book No. V. page 430.

(p) The following interesting case has occurred under this act.

*Mitchell v. Smith*, 1 Binney, 110.

This was a writ of error to the Common Pleas of Luzerne county, and the record presented the following case. *Smith*, the plaintiff below, brought an action of debt against *Mitchell*, upon a sealed note for 483 dollars, 33 cents, dated 11th March, 1796, and payable to *Smith* or order, at the expiration of three years from the date, with lawful interest. The defendant pleaded payment, with leave to give the special matter in evidence. Upon the trial of the cause before *President Rush*, on the 23d April, 1802, it was in evidence that the note was given for land near *Frenchtown* in Luzerne, and out of the seventeen townships, which land had been granted to the plaintiff by the committee of the *Susquehanna* company, agreeably to a resolution of the company. That the plaintiff by deed, bearing even date with the note, conveyed this land to the defendant. That the plaintiff and defendant went together to view the land before the execution of the note or deed, and that upon the completion of the contract the defendant was put in peaceable possession of the land, and had so continued ever since. That the defendant, at the time of the contract, had full knowledge of the law against intrusions in Luzerne county, and of the general dispute relative to titles in the county.

Upon these facts, and the act in the text, the counsel for the defendant insisted that he was entitled to a verdict for the following reasons: First, because the consideration upon which the note was given, was illegal, and therefore the note was void. Secondly, because the transaction on which the contract originated was against the general policy of the law, and therefore should not be carried into effect. Thirdly, because the consideration on which the note was given had failed. His honour, in delivering the charge of the court, stated their opinion upon the several matters of law against the defendant, and told the jury, that if they were of opinion the defendant knew and was acquainted with every material circumstance relative to the bargain, it was their duty to make him pay the

money with the interest thereon; but if they were of opinion he was in any degree imposed upon, or purchased ignorantly, in that case, they ought to find a verdict in his favour. The jury found for the plaintiff.

To this charge a bill of exceptions was tendered and sealed, and the record removed to his court.

The act of Assembly in question enacts, &c. (See act in the text, sect. 1, 2.)

The cause was argued in March and September terms, 1803.

On the 13th September, 1804, the court delivered their opinions *seriatim*.

*Shippen*, C. J. This is a writ of error to reverse a judgment rendered in the Court of Common Pleas for the county of Luzerne, in an action brought on a bill obligatory for the sum of 483 dollars, 33 cents, to which the defendant pleaded payment, with leave to give the special matters in evidence.

It appears on the record, that the consideration for this bill, was a tract of land conveyed by the plaintiff to the defendant, lying without the seventeen townships, in the county of Luzerne, and held by him under a deed from a committee of the *Susquehanna* company, under the *Connecticut* title, and not derived from the authority of this commonwealth, or of the late proprietaries of *Pennsylvania* before the revolution. The principal question in the case is, whether this be a legal, or illegal consideration for the bill, and whether the contract for the sale and purchase of this land is a violation of the laws of this commonwealth, so tainting the whole transaction, as that this court cannot legally afford their aid to carry the contract into execution.

The mischiefs intended to be remedied by the act of 11th of April, 1795, were of a grievous nature. A warfare had been carried on between the claimants of land under the title of *Connecticut*, and the claimants under *Pennsylvania* for many years, and many lives had been lost in the contest. It was at length found necessary for Congress to interpose. They thought fit to appoint judges or commissioners to decide upon the claims of the respective states, who, after a full and solemn hearing, made their decree at *Trenton*, establish-

1795. ing the right of government over the country in question, to be in *Pennsylvania*, but without deciding the particular titles of individuals claiming the right of soil. Notwithstanding this decree, not only the old settlers under the title of *Connecticut* retained their possessions, but a great number of new persons, under the same pretended title intruded into this part of *Pennsylvania*, and possessed themselves of, and settled, such vacant lands as they chose.

The Legislature of *Pennsylvania* passed repeated acts of Assembly to remedy the evils consequent upon such intrusions, some of them with a view to compromise with the first settlers. All of them, however, proved ineffectual to prevent new illegal settlements. At length the act in question was passed, called the intrusion law. This act is of a public nature, and intended to remedy a public evil. The point relied upon by the plaintiff, is, that the land sold by the plaintiff, and purchased by the defendant, was fairly bought and sold, all the circumstances being fully known to both parties, and carried into execution on the part of the defendant, by his taking possession, and occupying the land; and that although the act of Assembly imposes a penalty on the party offending, yet it *no where invalidates the contract*. On the part of the defendant, it is contended, that the contract, which is the foundation of this obligation, having been made in violation of the good policy, and direct provisions of the act of Assembly, this court will not afford their aid to carry such a contract into execution.

What then was the contract? It appears to be a contract for selling and conveying a tract of land which the plaintiff held under a deed from the committee of the *Susquehanna* company, or, in other words, under a *Connecticut* title. What says the law? "If any persons shall enter into possession of, or shall combine or conspire for the purpose of conveying, possessing, or settling on any lands within the ascertained limits, under colour of any halfshare right, or pretended title, not derived under the government, he shall forfeit, &c." Is not the actual conveying, possessing and settling this land, direct evidence of combining for that purpose, and of course a direct violation of the law? But it is objected, that where a law creates a new offence, and prescribes a specified mode of punishment, no other mode can be pursued. This is generally true where the act contains no prohibitory clause; in which case the common law punishment by indictment might be inflicted, although the

punishment directed by the act, was by bill, plaint or information. Here indeed there is no general prohibitory clause, the act directing only that if any person shall do so and so, he shall be punished so and so. Is this, however, a case involving a double punishment by prosecution? All that is contended for is, that the contract is illegal, being founded on a breach of the law, and of consequence a void contract, and cannot be enforced in a court of law. And for this purpose there cannot be a more express authority than the case in *Carth. 252*, where Lord C. J. *Holt* says "that every contract made by or about a matter or thing which is prohibited, and made unlawful by any statute, is a void contract, though the statute itself doth not mention that it shall be so, but only inflicts a penalty on the offender; because a penalty implies a prohibition, though there are no prohibitory words in the statute." This authority, although perhaps it might not warrant a conclusion that a penalty implies a prohibition for the purpose of making the offence punishable by indictment, in case the law had prescribed another and a specific punishment for the offence, yet it certainly is an authority to prove that a contract about a matter prohibited by statute is unlawful and a void contract, although, the act does not expressly say so, and that a penalty implies a prohibition, so as to make the contract void. The spirit of this law in *Carthew* has been followed up in numerous modern cases, particularly where goods have been purchased abroad with an intent to smuggle them into *England*. In these cases the seller of the goods although a foreigner residing in a foreign country, cannot recover the price of his goods in *England*, if he were any way concerned in the smuggling transaction; the whole contract being tainted and nullified by the illegal act, so as to prevent the recovery of the debt in the country whose laws were violated.

I would barely add, that if we could enforce the payment of the consideration money for this land, we must likewise have been obliged on the other hand to enforce the delivery of the possession, in case the money had been paid, and possession refused, which clearly would have been a most glaring infraction of the law; the remedies must be mutual, or not at all.

This subject has been lately canvassed in this court, in the case of *Maybin v. Coulton*, where we were compelled to resist the payment of an otherwise honest demand, on account of it being founded on, and connected with a



breach of the laws of trade, in covering the property of a foreigner, by using the name of a citizen of the *United States*, in obtaining the register of a ship (4 *Dallas' Rep.* 298.)

For these reasons I am of opinion the judgment below must be reversed.

*Yeates, J.* Whether this case be considered on *principle*, or *precedent*, I am of opinion the judgment of the common pleas cannot be supported.

Courts of Justices sit to carry into execution dispassionately the general will of the community, disclosed by the laws. It would seem a solecism in jurisprudence that a contract which necessarily leads to defeat the provisions of an act of the Legislature, of the highest public concernment, should receive judicial sanction and support. The single bill on which the action is founded, is dated 11th March, 1796; and therefore the laws in force at that time only, can affect our determination. The intrusion law was passed 11th April, 1795. (The two first sections here recited.)

The bill of exceptions states that a deed bearing equal date with the single bill, was executed by the defendant in error to the plaintiff, for 1500 acres of land, in *Smithfield* township in the county of *Luzerne*, which the former claimed by a grant of the committee of the *Susquehanna* company, out of the seventeen townships; that both parties went together to view the lands previous to the execution of the bill or deed, and that the plaintiff in error was put in possession, and continued there in since the time of the contract.

It is evident, therefore, that the agreement was entered into in direct violation of the intrusion act, for the purpose of conveying, possessing and settling the lands interdicted, under a half share right or pretended title not derived from the authority of this commonwealth, or of the late proprietaries. It openly attacked the sovereignty of the state, over a considerable part of the lands clearly comprised within her chartered limits.

In *Booth et al. v. Hodgson et al.* 6. Term Rep. 409, *Ld. C. J. Kenyon* observes, that "It is a maxim in our law, that the plaintiff must shew that he stands on a fair ground, when he calls on a court of justice to administer relief to him." And in *Faques v. Withey and Reed*, 1 H. Black. 67, it is said by counsel, and seemingly assented to by the court, that "where an action is in affirmance of an illegal contract, and the object is to enforce the performance of an engagement prohibited by law, clearly such an action was in no case to

be maintained. "And *Ld. C. J. Ellenborough* in the late case of *Edgar et al. v. Fowler*, in 1803, has said, "We will not assist an illegal transaction in any respect: we leave the matter as we find it, and then the maxim applies, *melior est conditio possidentis*." 3 East. 225. A broad ground is laid down by *Ld. C. J. Holt* in *Barelett v. Vinor*, *Garth*. 252. in these words "Every contract made for or about any matter or thing, which is prohibited and made unlawful by any statute, is a void contract though the statute itself doth not mention that it shall be so, but only inflicts a penalty on the offender, because a penalty implies a prohibition, though there are no prohibitory words in the statute." If the law is correctly laid down in these authorities, I run little hazard in asserting that the suit of the plaintiff in the common pleas cannot be supported.

It cannot be denied that contracts which violate the rules of decency or morality, or oppose principles of sound policy of the country are illegal and void. The case cited on the part of the plaintiff in error fully prove the positions.

So also of contracts which immediately tend to defeat the legislative provisions for the security and peace of the community, though not made void by statutes. Thus, in *Biggs v. Lawrence*, 3 Term Rep. 454, a contract for goods to be smuggled into *England* was held invalid: and it is there said, that one who seeks redress in a court of law must not shew that he broke the laws of the country. In *Clugas v. Penzance*, 4 Term Rep. 466, it was resolved, that an inhabitant of *Guernsey* cannot recover in *England* for goods sold there, if intended to be smuggled into *England*. It was held immoral to evade the laws of the country, though the act was done in *Guernsey*, and though the contract might be legal in *Guernsey*, and enforced there. In *Waymell v. Reed et al.* 1 Term. Rep. 599, a vendor of goods abroad shall not recover the value of goods packed up in order to be smuggled into *England*; for even foreigners shall not be allowed to subvert the revenue laws. In *Mitchel et al. v. Cockburne*, 2 H. Black. 379, A. and B. were engaged in a partnership in insuring ships, &c. which was carried on in the name of A. and A. paid the whole of the losses: such a partnership being illegal by the Stat. 6 Geo. 1 c. 18, A. could not maintain an action against B. to recover a share of the money that had been so paid; because no contract arising directly out of such an illegal proceeding could be the foundation of an action. In the case before cited, 6 Term Rep.

1795.

405, A. B. and C. became partners in insuring ships contrary to the said statute of 6 Geo. 1, c. 18, § 12, but it was agreed the policies should be underwritten in the name of A. only. Several policies were effected and the premiums received by C. and D. and it was held, that A. could not recover against C. and D. And in *Camden v. Anderson*, 6 Term Rep. 730, a policy effected in contravention of a statute made for the purpose of protecting the monopoly granted to the *East India* company, was held void. Courts will not enforce contracts injurious to, and against the public good. Per Ch. Justice, 2 Wils. 348, many contracts which are not against morality are still void, as being against the maxims of sound policy. Per *Ld. Mansfield*, *Cowp.* 39, and again, in the same book, page 343, his lordship uses the following expressions: "The objection that a contract is immoral or illegal as between plaintiff and defendant, sounds at all times very ill in the mouth of the defendant. It is not for his sake, however, that the objection is ever allowed; but it is founded in general principles of policy which the defendant has the advantage of contrary to the real justice as between him and the plaintiff, by accident, if I may say so. The principle of public policy is this, *ex dolo malo non oritur actio*. No court will lend its aid to a man who founds his cause of action upon an immoral or illegal act. If from the plaintiff's own stating, or otherwise, the cause of action appears to arise *ex turpi causa*, or the transgression of a positive law of this country, there the court says he has no right to be assisted. It is upon that ground the court goes: not for the sake of the defendant, but because they will not lend their aid to such a plaintiff. So if the plaintiff and defendant were to change sides, and the defendant was to bring his action against the plaintiff, the latter would then have the advantage of it: for where both are equally in fault, *potior est conditio defendentis*." These observations afford a decisive answer to part of the arguments of defendants counsel.

But it has been further objected that most, if not all of the cases relied on, either respect offences prohibited at common law, or such as had been theretofore created by statute, and particularly smuggling transactions, which the courts were extremely jealous of, as they defrauded the royal revenue.

It was said that the act of 6th April, 1802, (chap. 2288, *infra*,) was made to supply the very deficiency which existed before, and which was now attempt-

ed to be supplied by a judicial decision; for *sect.* 4th vacates such contracts as the present, and the act did not take effect till the 1st May, 1802.

I answer, that it would be no great stride, in my idea, to maintain, that after the decree at *Trenton*, the sales of titles within the limits of *Pennsylvania*, under the grants of a sister state not recognized by our laws, would be indictable on the principles of the common law. Such acts are immediate attacks on the sovereignty of this state, tend to violences of the most alarming nature, and are public evil examples. But supposing it to be otherwise, and that the authorities in the *English* books related merely to smuggling transactions (though the fact is contrary,) I take it that the same grounds of decision which influenced the courts in *England* to determine such contracts to be invalid, would equally operate on our minds to declare the same as to agreements which intimately affect the public peace and national prosperity. In both cases the subject matter is of great magnitude. The public revenue is endangered and affected. Individuals are defrauded. Why should we not be as tenacious as *British* judges in instances of public revenue being defrauded, tending to infractions of the public peace, and where the very acts of contracting are express denials of the right of the people over a large portion of the state? It was candidly admitted during the argument, that the deed, of which the single bill in question was the consideration, vested no right or interest whatever in the grantee.

I will only add, that the subject of a contract ought to be such a thing as men have a lawful right and power of stipulating about, at pleasure, 1 *Pow. Cont.* 164. The law, by forbidding an act, takes from the contractor the power of obliging himself to do it, and consequently prevents the person contracting from gaining any right of requiring it to be done, *ib.* 165, a contract or agreement is unlawful, if it be to encourage unlawful acts or omission, *ib.* 195. On the whole I am of opinion that the judgment of the common pleas be reversed.

*Smith*, J. concurred, and assigned his reasons.

*Brackenridge*, J. The consideration of the bill in question is the giving possession, and the sale of a tract of land under a title derived from what is called the *Susquehanna* company. This claim is founded on the principle that the land is without the charter boundary of *Pennsylvania*. Hence it is ad-



verse to the claim of this state, both as to soil and jurisdiction. It is true, the mouth of the claimant paramount, the state of *Connecticut*, from whom the company derive their claim, is shut by a decision. But this does not conclude the possessor, as to the right of soil, nor in fact will it conclude his exertions as to jurisdiction. The very object of the sale is to induce settlers, and increase strength to support vexatiously the claim in the courts of the *United States*, or by force independent of law. Shall the courts of the state be called upon to enforce contracts, and assist combinations against herself. Exercising jurisdiction, the state is bound to preserve the peace and aid contracts, but not such as militate against her own rights. It would be unnatural, and against reason, which is a ground of the common law. It is against public policy. Self preservation forbids it. So that, independent of any act of the Legislature, I must hold the transfer illegal, and the obligation given under such consideration void.—Judgment reversed.

So, in the state of New York. In the case of *Woodworth and another, v. Dole and others*, 2 *Johns.* cases in error, 417. A. claiming title under the *Connecticut Susquehanna Company*, to land situate in the State of *Pennsylvania*, and claimed by that state, sold the land to B. who gave his notes for the purchase money, part of which was paid; and A. executed to B. a *quit claim*, deed for the land. B. afterwards filed his bill in chancery, praying that A. might be perpetually enjoined from assigning the notes, or proceeding at law to recover the amount; and that the money paid might be refunded: it was held, that the sale was *maintenance*, in selling a pretended title, and that both parties being *pari delicto*, a court of equity would not relieve either; and the bill was therefore dismissed. The individual states having submitted their territorial claims to the *Judiciary* of the *United States*, are to be so far considered as having ceded their sovereignty, and as corporations; and their right to transfer lands must be judged of by the same rules of common law, as the rights of other persons, natural or politic.

In a note to this case, it is said, "The above is the substance of the opinion of the majority of the court. But three Judges were of opinion, that the court, being in possession of the merits of the cause, in order to prevent further litigation, ought to have modified the decree, so as perpetually to enjoin the respondents from assigning, or suing on

the note; but the majority were for affirming the decree as it stood."

And, in *Whitaker v. Cone*, 2 *Johns.* cases in error, 58. In *assumpsit*, the plaintiff declared on two promissory notes made by the defendant to him for 135 dollars, 61 cents each, dated 9th Feb'y, 1796, one payable in cattle, and the other in money, the 1st Sep'r, 1798. Upon the pleas of *non assumpsit* and payment, and a notice was subjoined to the plea, according to the statute, that the notes in question were given without consideration, and were obtained by fraud and imposition, having been given on the sale by the plaintiff to defendant, through the agency of one *Hunt* of *Susquehanna* lands, to which neither the plaintiff nor *Hunt* had any title.

It appeared at the trial, that the lands in question, were certain lands in the State of *Pennsylvania*, claimed by the State of *Connecticut*, called *Connecticut Susquehanna* lands. The plaintiff, by contract had sold to *Hunt* a township of the said lands, and while *Hunt* was in treaty with the defendant and some others, for the sale of the same lands to them, it was suggested that the plaintiff could not fulfil his contract with *Hunt*, on account of doubts as to the validity of the *Connecticut* title; and the plaintiff who was present, said he had no doubt the *Pennsylvania* title might be purchased for a trifle; that he had lately received information from the *Susquehanna*, of certain papers which had come to light, very favourable to the *Connecticut* title; and the defendant and the others encouraged and induced by the plaintiff made the contract with *Hunt* for the purchase of the land, at two and fourpence, *Connecticut* currency, *per* acre. The defendant and the others took up the notes given by *Hunt* to the plaintiff, and gave their own notes to the plaintiff for the amount.

The lands were proved to be situated within the jurisdiction of the state of *Pennsylvania*; and upon the evidence, the Judge was of opinion, that the defendant had sufficiently shewn a want of consideration. The plaintiff then offered to prove, that the lands in question were vacant and unsettled at the time they were sold by *Hunt*, and that the lands contiguous were principally settled by persons under the *Connecticut* title, and that many of these settlements were made previous to the determination of the question of jurisdiction between *Pennsylvania* and *Connecticut*, but the Judge rejected the evidence as improper. The plaintiff submitted to a nonsuit, with liberty to move the court to set it aside, and for a new trial.

1795.

These motions were accordingly made and argued.

*Per Curiam.* This case comes within the principle laid down in the case of *Woodworth, v. Dole and others*, decided in the court for correction of errors, in March last, (1800.) Buying and selling of lands out of the possession of the vendor, and held adversely at the time, is buying and selling a pretended title, and is not a valid consideration for a promise. It is a species of maintenance, and void on general principles of law and public policy. A sale by one state, of lands within the jurisdiction and under the adverse claim of another state, must be judged by the same principles of law, as a sale by an individual, since the several states, in respect to their territorial claims, have submitted themselves to the cognizance of the judiciary of the *United States*.

Though the sale was *formally* made by *Hunt* to the defendant, yet the plaintiff was privy thereto, and instrumental in effecting it, and he had previously conveyed the same lands, under the same title, to *Hunt*, whose notes he held for the purchase money, which were delivered up, in exchange for the present notes. If *Hunt* was not merely the agent of the plaintiff, in this transaction, yet the plaintiff received the notes, for the like consideration, and with full notice of all the circumstances; he is, therefore, to be affected by the objection against the legality of the consideration. The court are therefore of opinion, that the motion ought to be denied.

It is believed this long depending controversy is now nearly settled, though at a great expense to the state. Its history may be accurately traced in the council books remaining in the office of the Secretary of the commonwealth, and in the journals and minutes of the legislature under the province, and the commonwealth. But the documents are so numerous and voluminous, as to preclude even an abstract in a note. All therefore that is now practicable or useful, is a reference to the laws which have existed, or do now exist on this subject.

By an act to prevent and stay suits from being brought against the inhabitants of *Wyoming*, during the time therein mentioned, passed 13th March, 1783, (chap. 1002,) all process to dispossess the *Wyoming* settlers was stayed, although the decree of *Trenton*, pronounced by commissioners agreeably to the 9th article of the confederation of the *United States*, was in favour of the jurisdiction of *Pennsylvania*. But this act was repealed by an act passed 9th

September, 1783, (chap. 1019.) And the division of the townships of *Shawanese*, *Stoke* and *Wyoming*, into districts, was confirmed, and authority given to the executive to commission Justices in those districts.

On the 15th September, 1784, an act was passed, (chap. 1180,) entitled "an act for the more speedy restoring the possession of certain messuages, lands and tenements, in Northumberland county, to the persons who lately held the same;" which was limited in its continuance to the end of the next session; by which it was recited, that many persons at *Wyoming* had been violently dispossessed of the lands, &c. which they occupied; the executive was authorized to direct the Justices of the peace in the county of *Northumberland* to proceed forthwith, in executing the laws relating to forcible entry and detainer; and their proceedings therein, or the writ of restitution thereupon, or the effect thereof in those cases, were not to be superseded, or delayed by *certiorari*, or any other writ issued by the Supreme Court.

By an act entitled "An act for quieting the disturbances at *Wyoming*, for pardoning certain offenders, and for other purposes therein mentioned," passed 24th December, 1785, (chap. 1188,) A general pardon and indemnity was offered for offences committed in the counties of *Northumberland* and *Northampton*, in consequence of any controversies which subsisted between the *Connecticut* claimants, and other citizens of this state, before the first of *November*, 1785; *Provided*, That no person having so offended, should receive the benefit of the act, unless he surrendered himself to some Justice before the 15th April, 1786, and entered into a recognizance to keep the peace, and be of good behaviour for the term of twelve months. The executive was likewise authorized, to employ a sufficient number of the militia to enforce the laws in those counties, and to apprehend offenders, who should not surrender within the specified period. By the 5th section of the act, so much of the act of 9th September, 1783, (chap. 1019,) as confirms the division of the townships of *Shawanese*, *Stoke* and *Wyoming*, into two districts, for the purpose of electing Justices of the peace, and enables the executive to commission the Justices elect, was repealed, and the commissions granted in pursuance thereof, annulled.

By an act passed 25th Sept'r, 1786, (chap. 1233,) the county of *Luzerne* was erected.



By an act entitled "An act for ascertaining and confirming to certain persons, called Connecticut claimants, the lands by them claimed within the county of *Luzerne*, and for other purposes therein mentioned," passed 28th March, 1787, (chap. 1274,) provision was made for ascertaining and confirming the titles of the *Connecticut* claimants, and for allowing the *Pennsylvania* claimants an equivalent, at their option, in the old or new purchases; which was suspended by an act passed 29th March, 1788, (chap. 1274,) and finally condemned and repealed by an act of 1st April, 1790, (chap. 1414, vol. 2, page 524.)

In *Vanhorne's lessee v. Dorrance*, 2 *Dallas*, 304, the court declared the act of 28th March, 1787, commonly called the confirming law, to be unconstitutional and void.

See also the act to compensate *David Meade*, and others, passed 9th March, 1796, (chap. 1866,) and the cases decided thereon, in the notes, vol. 2, pa. 242-3, &c.

On the 4th April, 1799, an act was passed, (chap. 2042,) entitled "An act for offering compensation to the *Pennsylvania* claimants of certain lands within the seventeen townships in the county of *Luzerne*, and for other purposes therein mentioned."

This being a distinct subject, all the supplements and other laws connected with it, are given in the notes to the said chap. 2042, afterwards in this volume.

By an act passed 11th March, 1800, (chap. 2118,) the limitation act of 26th March, 1785, (vol. 2, pa. 299,) is repealed, and rendered null and void, and declared to have no force or effect within what is called the seventeen townships, in the county of *Luzerne*, nor in any case where title is, or has at any time, been claimed under what is called the *Susquehanna* company, or in any way under the state of *Connecticut*, for any lands or possessions within this commonwealth.

By a supplement to the act in the text, passed 16th Feb'y, 1801, (chap. 2171,) In all trials on indictments for taking possession of, entering, intruding or settling on any lands founded on the act in the text, proof that the person indicted, entered into, intruded, settled on, or was in possession of the said land before the time of finding the said indictment, shall be sufficient to convict such person of the offence charged in the indictment, unless the said person indicted shall prove that he or she entered upon, took possession of, or settled on such land before the time of

passing the act in the text, or that he or she had, at the time of his or her entering into, taking possession of, or settling on such land, a good and *bona fide* title to such land derived from, or under this commonwealth, or the proprietors of *Pennsylvania* before the revolution.

On a conviction for a second offence, the offender shall forfeit 500 dollars, one half to the use of the county, the other half to the informer, and be subject to imprisonment at hard labour, not less than six months nor exceeding two years, at the discretion of the court: And any person convicted more than twice, shall be imprisoned at hard labour for any term not less than two years, nor exceeding seven years, and pay a fine not less than 500 dollars nor more than 1000 dollars, for the uses aforesaid.

The Governor was authorized to appoint an agent to inquire into offences committed against the act in the text; who was to be upon oath or affirmation; to hold his office during the Governor's pleasure, and receive a compensation of 1200 dollars, annually, payable quarterly; and any person resisting such agent, or any person acting under his authority; or any accessory before or after the fact; or those who conspire to resist or obstruct the said agent, or any person acting under his authority, or under the authority of this act, shall forfeit and pay, on conviction for every such offence, a sum not exceeding one thousand dollars, and be subject to imprisonment at hard labour, for any period not more than seven years, at the discretion of the court. (But this office was abolished by an act passed 4th April, 1805, chap. 2611, § 7.)

Every male person, above the age of 21 years, coming to reside within the counties of *Wayne*, *Northampton*, *Luzerne*, *Northumberland* or *Lycoming*, was directed to deliver within three months from his arrival, to the said agent, or to the constable of the township, or to the Sheriff of the proper county, or one of his deputies, a written declaration of his name and place of abode, and of the American state or the foreign country in which he last resided, and also whether he claimed any, and if any, what lands within the bounds of the commonwealth under a title derived directly or indirectly from or through the colony or state of *Connecticut*, or the *Delaware* or *Susquehanna* company, under the penalty of forty dollars. The returns of such declarations to be made to the sessions, under the penalty of 100 dollars, in case of default to be recovered on conviction on indictment in

1795.

the sessions, &c. And the several clerks of the sessions shall carefully preserve among their public papers all such declarations.

In all actions of ejectment for any lands to which any title or claim under *Connecticut*, &c. is pleaded or drawn in question, the plaintiff may recover, by way of damages, satisfaction for the mesne profits of the lands recovered in any ejectment, down to the time of the entry of judgment in such ejectment.

In all actions of trespass *vi et armis*, wherein any title or claim under *Connecticut*, &c. is pleaded or drawn in question, the plaintiff, on *affidavit* to be made by himself, or any person on his behalf, may hold defendant to special bail, in such sum as may be directed by the Judge, &c.

In every such action, the defendant shall at the first term put in his plea, specifying his title particularly, and on refusal or neglect to do so, judgment shall be entered as by default.

The Governor was authorized to call out the militia, on oath or affirmation of the agent, &c. that he had reason to apprehend personal danger in the discharge of his duty, &c.

The Governor is also authorized to issue his proclamation forbidding future intrusions, &c.

By an act, entitled "An act to maintain the territorial rights of this state, &c. passed 6th April, 1802, (chap. 2288,) after 1st May, 1802, no conveyance to be made of any land within the counties of *Luzerne*, *Lycoming* and *Wayne*, shall be good or effectual to pass any right, title, estate, interest or claim whatever, either at law or in equity, unless the title to the land in such conveyance mentioned, is derived from this state, or the late proprietaries thereof before the 4th of July, 1776, and unless the said conveyance shall expressly refer to and recite the substance of the warrant, survey, patent or title under which the same is derived, from this state, or the late proprietaries thereof before the said 4th July, 1776. And if any Judge or Justice shall take an acknowledgment, or proof of, or any Recorder of Deeds, or any other person, shall record any deed, which shall not have been derived as aforesaid, he shall forfeit for every such offence, the sum of 200 dollars, recoverable by action of debt, in any Court of Record in this state, one half to the commonwealth, the other to the person who will sue for the same; and such

acknowledgment and recording shall be void and of no effect; and every such Recorder of Deeds so offending, shall forfeit his office; *Provided*, That nothing herein contained shall be so construed, as to make valid any conveyance heretofore made, of any pretended title or claim to land under the colony or state of *Connecticut*, or either of the companies known by the names of the *Connecticut Susquehanna*, or the *Connecticut Delaware* company.

§ 2. No person in any manner interested in the said pretended title or claim, shall sit as Judge, or serve as juror, in any cause, civil or criminal, wherein the said pretended claim or title shall or may, directly or indirectly, be brought into question; and if any Sheriff shall summon any person or persons to serve as a juror or jurors, who are directly or indirectly concerned and interested in any *Connecticut* title, knowing him or them to be so concerned or interested, such Sheriff shall, on conviction, be fined in any sum not exceeding 500 dollars, to be recovered as other fines and forfeitures are recoverable by law.

§ 3. None of the penalties or disabilities created by the present act, except so far as relates to Judges, Sheriffs or Jurors, shall relate to land or the claimants of land within the seventeen townships of *Luzerne* county, or any of them, so far as concerns any act of theirs respecting lands within the said townships, which have been, or may hereafter be duly submitted according to law, under the provisions of the act of 4th April, 1799, (chap. 2042, ante.) or any supplement thereto.

§ 4. Any person who shall after 1st June, 1802, bargain, sell or convey, or by any ways or means obtain get or procure any pretended right or title, or make or take any promise, contract, grant or covenant, to have any right or title of any person or persons, in or to any lands, tenements or hereditaments within this state, under the said pretended title from the state of *Connecticut*, or either of the said companies, shall forfeit the sum of \$ 200, recoverable by action of debt, &c. and such promise, contract, grant or covenant, is hereby declared to be utterly void, and of no effect.

In the case of the *Commonwealth v. Franklin et al.* in the Supreme Court, December, 1802. The act in the text, was declared to be a valid and constitutional act. (MSS. Reports.)



## CHAPTER MDCCCXVII.

1795.

*An ACT for the relief of Dickinson College.*

WHEREAS it has been represented, and appears to the present Legislature, that the present funds of Dickinson College are inadequate to its support: And whereas not only motives of just policy, but the injunctions of the constitution of this commonwealth, call for a dissemination of useful science, by establishing, on a public foundation, one or more seminaries of learning: Therefore,

SECT. 1. [A grant of five thousand dollars to Dickinson College.]

SECT. II. *And be it further enacted by the authority aforesaid,* That there shall be annually admitted into the said College any number of students who may be offered, in order to be taught reading, writing, and arithmetic, gratis; provided the number so admitted and taught shall at no time be greater than ten, and that none of the said students shall continue in the said College longer than two years.

Provision for admitting ten students, to be taught gratis.

Passed 11th April, 1795.—Recorded in Law Book No. V. page 423.

## CHAPTER MDCCCXVIII.

*An ACT to authorize John Hawger to erect a dam on Penn's creek.*

SECT. 1. [JOHN HAWGER allowed to erect a dam on Penn's creek. Proviso, as to private rights; and to keeping the dam in repair, with a passage for rafts. 2. Complaints shall be heard and decided, upon report of viewers to be appointed by the sessions.]

Passed 11th April, 1795.—Private act.—Recorded in Law Book No. V. page 422.

## CHAPTER MDCCCXX.

*An ACT to erect a new election district in the county of Allegheny.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the following bounds in the county aforesaid include and be erected into a separate election district, viz. Beginning at the mouth of Miller's run, thence by a straight line to a point where the Big lick run empties itself into Montour's run, to James Bagg's fork of the same; thence up said fork to the county line; thence with the county line to Chartier's creek; thence down the same to the place of beginning; and that the freemen residing within the said district are hereby authorized to hold their annual elections at the house now occupied by Henry Noble, in Noblesburgh, under the same regulations prescribed by the constitution and laws of this commonwealth, any law to the contrary notwithstanding.

A new election district erected in Allegheny county.

Passed 13th April, 1795.—Recorded in Law Book No. V. page 435.

1795.

## CHAPTER MDCCCXXII.

*An ACT to authorize the directors of the Library Company of Philadelphia to encrease the annual payment of the members of the said company.*

Passed 13th April, 1795.—Private act.—Recorded in Law Book No. V. page 434.

## CHAPTER MDCCCXXIII.

*An ACT for erecting part of the county of Northumberland into a separate county.*

**WHEREAS** a great number of the inhabitants of that part of the county of Northumberland, lying Northwest of the Muncy hills, have by their petitions set forth to the Legislature, that they labour under great inconvenience, by reason of their great distance from the seat of justice, and it is just and reasonable that they should be relieved in the premises :

**SECT. I.** *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* all that part of Northumberland county, lying northwestward of a line drawn from the Mifflin county line, on the summit of Nittanny mountain; thence running along the top or highest ridge of the said mountain, to where the White Deer Hole creek runs through the same, and from thence by a direct line crossing the West Branch of Susquehanna, at the mouth of Black Hole creek, to the end of Muncy hills; thence along the top of Muncy hills and the Bald mountain, to the Luzerne county line; shall be, and the same is hereby erected into a separate county, to be henceforth called and known by the name of Lycoming county.

Lycoming  
county erect-  
ed.

Boundaries  
of Lycoming  
county.

Its jurisdic-  
tion and pri-  
vileges to be  
the same as  
those of  
other coun-  
ties.

**SECT. II.** *And be it further enacted by the authority aforesaid,* That the inhabitants of the said county of Lycoming shall, at all times hereafter, enjoy all and singular the jurisdictions, powers, rights, liberties and privileges whatsoever, within the same, which the inhabitants of other counties of this state do, may or ought to enjoy within their respective counties, by the constitution and laws of this commonwealth.

The judici-  
ary arrange-  
ments of the  
county esta-  
blished.

(Supplied.)

**[SECT. III.** *And be it further enacted by the authority aforesaid,* That the Judges of the Supreme Court, and the President of the third district, of which district the said county of Lycoming is hereby declared to be part, as well as the Associate Judges which shall be commissioned in and for the county of Lycoming, shall have like powers, jurisdictions and authorities, within the same, as are warranted to and exercised by the said Judges in other counties of this commonwealth; and that the Courts of General Quarter Sessions of the Peace and of the Common Pleas, in and for the county of Lycoming, shall be opened and holden on the Monday next succeeding the General County Courts held in the county of Northumberland in each year, at the Court-House in the said county.]



SECT. IV. *And be it further enacted by the authority aforesaid,* 1795.  
That no action or suit now commenced, or that may be commenced in the County Courts of Northumberland, before the first day of November next, against any person living or residing within the bounds of the county of Lycoming, shall be stayed, discontinued or affected by this act, or any thing herein contained, but that the same may be prosecuted to the final issue, in the same manner as if this act had not been passed.

Provision for the continuance of process commenced in Northumberland county.

SECT. V. *And be it further enacted by the authority aforesaid,* Election of county officers to be the same as in other counties.  
That the inhabitants of the said county of Lycoming shall, under the same rules, laws and regulations, as the other counties of this commonwealth, elect such officers, as they, by law and the constitution, are entitled to.

SECT. VI. *And be it further enacted by the authority aforesaid,* The county officers to give the customary security in other counties.  
That the Sheriffs, Treasurers, and all such officers as have heretofore usually given bail for the faithful discharge of the duties of their respective offices, who may hereafter be elected or appointed in the county of Lycoming, before they or either of them, shall enter upon the execution of their respective offices, shall give sufficient security, in the like sums, in the like manner and form, and for the like uses, trusts and purposes, as such officers are obliged by law, for the time being to do in the county of Northumberland.

[SECT. VII. *And be it further enacted by the authority aforesaid,* Commissioners to be appointed, to fix a place for county buildings.  
That the Governor be authorized, and he is hereby required to appoint five commissioners, which commissioners, or a majority of them, shall meet at the town of Northumberland on the first Monday of September next, and proceed to view and determine upon the most eligible and proper situation for erecting the public buildings for the said county, and make their report into the office of the Secretary of this commonwealth on or before the first day of October next, which report so made shall be final, and shall fix and determine the spot for the seat of justice in and for the said county; for which service each of the said commissioners shall have and receive three dollars *per diem* for every day they shall be employed in the said service, to be paid by warrants drawn by the county commissioners on the Treasurer of Northumberland county.]

Their pay.  
(Obsolete.)

SECT. VIII. *And be it further enacted by the authority aforesaid,* The county commissioners to take assurance of the lot for such buildings.  
That it shall and may be lawful for the commissioners of taxes of the said county, which shall be elected at the next annual election, to take assurance to them, and their successors in office, of such lot or piece of ground as shall have been approved of by the commissioners to be appointed as aforesaid, or a majority of them, for the purpose of erecting thereon a court-house, gaol, and offices for safe-keeping of the records; and that for defraying the expenses thereof the county commissioners shall assess and levy, in the manner directed by the acts for raising county rates and levies, a sum not exceeding six thousand dollars.

SECT. IX. *And be it further enacted by the authority aforesaid,* Arrearages of taxes, how to be collected.  
That all arrearages of taxes now due, and which have been assessed within the county of Northumberland prior to the passing of this act, shall be collected by the proper officers, and paid into the treasury of the said county of Northumberland, in the same man-

1795.

Districts in which Lycoming shall elect members of Congress and State Senators.  
(Altered.)

ner as if this act had not passed, [and that the said county of Lycoming shall form a part of the district composed of Northumberland and Dauphin counties, for electing members of Congress, and shall form a part of the district of Mifflin, Northumberland and Luzerne counties, for electing Senators of this commonwealth.]

[SECT. x. *And be it further enacted by the authority aforesaid,* That the inhabitants of the county of Northumberland and the county of Lycoming, shall jointly elect three representatives, to serve in the House of Representatives of this state, in the same manner, under the same regulations, and make return thereof in like manner, as is directed by the existing laws of this state for conducting and making return of the election of Northumberland, any thing in this act to the contrary in any wise notwithstanding.]

[SECT. 11. The taxable inhabitants to be enumerated and returned to the Legislature. *Obsolete.*]

Passed 13th April, 1795.—Recorded in Law Book No. V. page 488. (q)

(q) Part of Lycoming county taken into the county of Centre, by act of 13th February, 1800, (chap. 2092.)

Part of Lycoming county taken into Armstrong county, by act of 12th March, 1800, (chap. 2119.)

Commissioners appointed to run part of the lines between Lycoming and Centre, by act of 7th January, 1801, (chap. 2147.)

Commissioners appointed to run the line between Northumberland, Luzerne and Lycoming, by act of 23d February, 1801, (chap. 2182.)

Part of Lycoming taken into Indiana county by act of 30th March, 1803, (chap. 2363.)

Part of Lycoming taken into the counties of Jefferson, McKean, Clearfield, Potter and Tioga, by act of 26th March, 1804, (chap. 2466.)

Part of Luzerne county annexed to Lycoming, by act of 2d April, 1804, (chap. 2494.) But this part is taken into the county of Ontario, by act of 21st February, 1810.

The powers of the commissioners, &c. of Lycoming county, extended to the county districts of Potter and Tioga, and the commissioners, &c. to keep distinct accounts of monies collected from each of the said county districts: and the recorder to provide a separate book for recording of deeds for each of the said districts, by act of 3d Feb'y, 1806, (chap. 2629.)

Sheriff of Lycoming to give security in the sum of 5000 dollars, and the Coroner in one fourth of that sum, by act of 28th March, 1803, (chap. 2355.)

The first election district enlarged, and the place of holding the elections therein established. The second district declared, and the place of holding elections therein established, and the fourth election district enlarged,

and place of holding elections therein fixed, by act of 26th Feb'y, 1801, (chap. 2195.)

Tioga township erected into a separate district, by act of 3d April, 1804, (chap. 2307, Sect. 8.)

Burlington election district established, by act of 4th April, 1805, (chap. 2599, sect. 17,) place of holding elections therein fixed, by act of 31st March, 1806, (chap. 2715, sect. 23.)

Place of holding elections in the third district fixed, and Delmar township erected into a separate district, by act of 11th April, 1807, (chap. 2836, sect. 28-29.)

The place of holding elections in the fourth district fixed.—In the lower Tioga district, fixed; and the eleventh district erected of part of Washington township, by act of 4th April, 1809, sect. 18-19-20.

Place of holding elections in Burlington, the seventh district, changed. Part of Delmar township erected into a separate district. And the place of holding elections in the Cliftsburg district altered, by act of 20th March, 1810, sect. 5, 6, 7.

An academy established at Williamsport, in Lycoming county; by act of 2d April, 1811.

Lycoming, with Northumberland and Luzerne counties form the eighth Judicial district, by act of 24th Feb'y, 1806, (chap. 2634.) And by the same act the courts in Luzerne are held on the first Mondays in January, April, August and November. In Northumberland on the second Mondays after the commencement of the courts in Luzerne, and in Lycoming, on the second Mondays after the commencement of the courts in Northumberland. The term continues two weeks.

Lycoming county forms part of the middle district of the Supreme Court.



## CHAPTER MDCCCXXV.

1795.

*An ACT to erect the township of Mahanoy, in the county of Northumberland, into a separate election district.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the township of Mahanoy, in the county of Northumberland, is hereby erected into a separate election district, by the name of the tenth district in the county of Northumberland: and that the freemen residing within the said district are hereby authorized to hold their annual elections at the house now occupied by William Dobson, in said district.*

The tenth election district of Northumberland county, erected.

Passed 15th April, 1795.—Recorded in Law Book No. V. page 438.

## CHAPTER MDCCCXXVI.

*An ACT to erect the townships of Cocalico and Elizabeth, in the county of Lancaster, into a separate election district.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted, by the authority of the same, That the townships of Cocalico and Elizabeth, in the county of Lancaster, are hereby erected into a separate election district, to be called the fifth election district; and the freemen thereof are hereby authorized to hold their annual elections at the house now occupied by Henry Miller, near Euphrata.*

The fifth election district of Lancaster county erected.

Passed 15th April, 1795.—Recorded in Law Book No. V. page 437.

## CHAPTER MDCCCXXVII.

*An ACT to cede to and vest in the United States of America, the island commonly called Mud-Island.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all the right, title, property and interest of this commonwealth, in and to the island commonly called Mud-Island, situate in the river Delaware, together with all the improvements thereon erected, placed or being, shall be, and hereby are, ceded to and vested in the United States of America, as fully, absolutely and to the same extent, as this commonwealth now holds and is entitled in and to the same; Provided always nevertheless, That if the said United States shall not accept the same within one year from the passing of this act, then, and in that case, the cession hereby made shall be absolutely void and of no effect: Provided further, That the state of*

Mud Island ceded to the U. States.

Cession, when to be accepted.

**1795.** Pennsylvania may at all times occupy the said island and fortifications, whenever the same shall not be possessed by a military force under the United States: *And provided further,* That the jurisdiction of the state of Pennsylvania over the said island, in civil and criminal cases, be the same as before the passing of this act.

Reservation.

Passed 15th April, 1795.—Recorded in Law Book No. V. page 437.

## CHAPTER MDCCCXXVIII.

*An ACT to erect a part of East Pennsborough and Allen townships in the county of Cumberland, into a separate election district.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That all that part of East Pennsborough and Allen townships, in the county of Cumberland, that will lie east of a direct line to be run from the dwelling-house of John Clendenen in East Pennsborough township, to the house of Archibald Lowden; thence by a direct line to the mouth of Dogwood run, including the dwelling-houses of the said John Clendenen and Archibald Lowden, shall be erected into a separate election district; and the freemen residing within the said district are hereby authorized to hold their annual elections at the Silver Spring meeting-house, in East Pennsborough township aforesaid, any law to the contrary notwithstanding.

A new election district in Cumberland county erected.

Passed 15th April, 1795.—Recorded in Law Book No. V. page 431.

## CHAPTER MDCCCXXX.

*An ACT to authorize the inhabitants of the Northern-Liberties, within a certain described part thereof to regulate the streets, lanes and alleys, within the same, and for other purposes therein mentioned.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the Governor be, and he is hereby authorized to appoint three Surveyors, who shall have full power and authority, and are hereby enjoined and required, as soon as conveniently may be, to survey, regulate and direct the courses and degrees of descent, and the distances from the sides of the streets, lanes, alleys and roads, of all and every the gutters, natural water-courses and common sewers, and to fix and ascertain the same, and to survey and regulate all and every the streets, lanes, alleys and roads, already laid out within the following bounds of the township of the Northern-Liberties, to wit; Beginning at the Northern bounds of the city of Philadelphia, on the river Delaware; thence up the same river, the several courses thereon, to Shackamaxon creek, commonly called

(See vol. 1, page 278, 9, 318, 319, vol. 2, page 432.)

Three Surveyors to be appointed, to survey and regulate the streets, &c. in the Northern-Liberties, within the specified boundaries.



1795.

Gunner's run; thence up the west side of the same creek, to the south line of the lands of the estate of Isaac Norris, deceased: thence by the same tract of land, the several courses thereof, to the road leading from Philadelphia to Frankford; thence down the same road to a stake; thence west to the Mustard-mill, on Germantown road, belonging to the estate of William Masters, deceased; thence continuing the same course to the old York road; thence on the west side of the said road, the several courses thereof, to Hickory-lane; thence westerly, up the said lane, to the head thereof; thence continuing the same course to the Wissahickon road; thence down the same road, the several courses thereof, to the northern bounds of the said city; thence by the same city to the river Delaware, the place of beginning; and the said Surveyors aforesaid, having surveyed the said streets, lanes, alleys and roads, lying south of Cohocksink creek, within the boundaries aforesaid, and regulated and directed the courses, and ascertained the degrees of descent of all and every the water-courses within the same, shall make, or cause to be made, correct drafts or plans of all the said streets, lanes, alleys and roads, and of the courses, and degrees of descent of the said water-courses, together with every necessary explanation, and return the same, under their hands, to three Justices of the Peace within that part of the Northern-Liberties aforesaid, who are hereby enjoined and required to keep and preserve the same in their respective offices, for the public inspection and examination of all persons concerned, for the space of three months, after which the said justices, together with six resident freeholders, by them to be appointed, shall give public notice in two of the public newspapers in the city of Philadelphia, one whereof shall be in the German language, at least six different times within two succeeding weeks, that on a day certain, and particularly expressed in such public notice, they will examine the said drafts or survey, and hear the objections of any land-holders, or other persons, who may think themselves aggrieved; and the said Justices and freeholders, appointed as aforesaid, shall have full power and authority to adjudge and determine whether the same shall be fully and finally established, or whether any and what alterations shall be made therein, and shall direct the same drafts or plans, together with such alterations as shall be made therein, their adjudication thereupon, and every necessary explanation, to be recorded in the office of the Clerk of the Court of Quarter Sessions of the county of Philadelphia.

Correct drafts to be made of the said streets, &c. and returned to three Justices, for public inspection;

to be advertised;


objections thereto heard; and decided by the Justices.

SECT. II. *And be it further enacted by the authority aforesaid,* That a separate survey or regulation of that part of the district of the Northern-Liberties, which lies on the north side of Cohocksink creek, within the first described bounds, shall be made by the same Surveyors, in all things conducted in the same manner, and under the same regulation, as the survey or regulation of that part of the Northern-Liberties, which lies on the south side, except that the freeholders to be appointed by the said Justices shall reside on the north side of the aforesaid creek.

A separate survey to be made of that part of the district of Cohocksink.

SECT. III. *And be it further enacted by the authority aforesaid,* That the Justices of the Peace in the township of the Northern-Liberties aforesaid, shall be authorized to draw orders on the Su-

Pay of the Surveyors, how to be discharged.

1795.  pervisor or Supervisors of the roads for the said township, for the pay and incidental expenses of the said Surveyors, who are hereby enjoined and required to pay the amount of such orders; and the same shall be allowed to the said Supervisors in the settlement of their accounts.

When foot-ways and gutters may be ordered to be paved.

Privilege of owners of houses to pave for themselves.

Breadth of pavements.

Application to be made to owners for the expense of their pavements.

Proceedings in case of neglect or refusal to pay the same.

Proceedings in cases of minors and absentees.

SECT. IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any three Justices, resident in the Northern-Liberties, on the application of any five resident freeholders, to issue their precept to any suitable person or persons, authorizing him or them to cause the foot-ways and gutters of such street, lane or alley, so applied for, to be paved with bricks or stones, as the case may require, and to plant posts or curb stones, to prevent the same from being injured by carriages, agreeably to the regulations of the Surveyors aforesaid: *Provided always,* That the greater part of the space required to be paved, shall be built upon and improved: *And provided also,* That all and every owner or owners shall have the privilege of paving their own fronts as aforesaid, so that they have it completed within one month after notice given for that purpose, by the person or persons appointed to pave as aforesaid, by writing, under his or their hands: *And provided further,* That no person shall be obliged to pave any foot-way to a greater breadth than four feet in front of any lot, whereon a dwelling-house shall not be erected.

SECT. V. *And be it further enacted by the authority aforesaid,* That the person or persons so appointed shall, previous to his or their entering on the duties required by this act, make an estimate of the expense, and apply, by written notice, to the several owners of lots and buildings within the space required to be paved, for their respective proportions; and in case any owner or owners shall neglect or refuse to pay such amount within four weeks after notice as aforesaid, it shall and may be lawful for the person or persons appointed as aforesaid to borrow the same, and the neglecting owner or owners shall be accountable to him or them for the amount so borrowed, with legal interest thereon.

SECT. VI. *And be it further enacted by the authority aforesaid,* That in case any grounds or buildings belong to minors or absent persons, then the same shall be recovered against any person or persons having the care of such grounds or buildings belonging to such minor or absent owner, and the receipts of the person appointed to pave as aforesaid shall be good vouchers to all executors, administrators, guardians, trustees, or attornies, against their principals; and where any owner or owners of any grounds or buildings, attornies, executors, administrators, trustees or guardians, cannot be found, or in case any of them neglect to pave their own fronts, or to pave the portion respectively allotted to them, then it shall and may be lawful for any Justice of the Peace resident in the Northern-Liberties to issue executions for the same, to be levied on the grounds or buildings of such absent owner, executors, administrators, guardians or attornies; and the person so appointed by the Justices as aforesaid, is hereby authorized to rent the same for the shortest space of time, in which the rent and profits will satisfy the debt and costs.



SECT. VII. *And be it further enacted by the authority aforesaid,* 1795.  
That in case any owners of lots or buildings, or the persons having the care of any lots or buildings, as executors or administrators, guardians, trustees or attorneys, shall be in arrear on a final settlement of the accounts, and neglect or refuse to pay the same, it shall and may be lawful for the said person, appointed by the Justices aforesaid, to recover the same, with costs, by action of debt, as debts of the same amount are by law recoverable.

How arrears shall be recovered.

Passed 17th April, 1795.—Recorded in Law Book No. V. page 475.

## CHAPTER MDCCCXXXII.

*An ACT to authorize a deviation in the course of that part of the state road from Bedford to Pittsburgh, which lies between Turtle-Creek and Pittsburgh.*

WHEREAS it appears from the representation of many citizens, that a deviation from the course of that part of the state road from Bedford to Pittsburgh, which lies between Turtle-Creek and the latter place, would greatly accommodate the inhabitants in the neighbourhood thereof, and otherwise be of use and benefit to the public: And whereas the Governor, with a view to obtain information on the subject of the proposed deviation, directed a survey to be made of the courses and distances thereof, which survey being returned on the sixth day of December, one thousand seven hundred and ninety-two, has been examined and approved: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the said survey, heretofore made under the authority of the Governor, for ascertaining the courses and distances of a proposed deviation in that part of the state road from Bedford to Pittsburgh, that lies between Turtle-Creek and Pittsburgh shall be delivered to the Secretary of the commonwealth, to be by him recorded among the records of the executive department; and thereupon the same shall be deemed, taken, and for ever established, as designating and ascertaining the true and only courses and distances of the part of the state road aforesaid, any law, record or proceeding, to the contrary thereof, in anywise notwithstanding; and the survey and record heretofore made of the said state road shall be, and the same is hereby declared to be so far, but no further vacated, and made null and void.

A deviation in the course of Pittsburgh road from Turtle-creek to that town.

Passed 17th April, 1795 —Recorded in Law Book No. V. page 481.

## CHAPTER MDCCCXXXVII.

*An ACT to ascertain certain parts of lines between the counties of Berks, Northampton, Northumberland and Luzerne, and for other purposes therein mentioned.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That

1795.

Commissioners to be appointed to run the line between Berks and Northumberland, and Northampton and Luzerne.

the Governor be, and he is hereby, authorized and empowered to appoint three Commissioners, who, or any two of them, shall proceed to run the line between the counties of Berks and Northumberland, and the counties of Northampton and Luzerne, beginning at the forks of Mahantango and Pine creeks, at the place called the Spread-Eagle, and from thence north sixty-six degrees east, until the same shall intersect the line dividing the counties of Berks and Northampton, and from thence the same course to the Lehigh creek; thence along the east bank of the said Lehigh creek to the head thereof; from thence a due north course to the boundary of the state; which shall hereafter be deemed and taken to be the boundary line between Berks and Northumberland, and Northampton and Luzerne counties.

Commissioners to be appointed, to run certain lines of Chester, Lancaster, and Berks.

SECT. II. *And be it further enacted by the authority aforesaid,* That the Governor is hereby authorized and empowered to appoint three commissioners, who, or any two of them, shall proceed to run out and fix the lines of Chester, Lancaster and Berks counties, in and through the whole of the townships of West-Nantmill, in the county of Chester, of the township of Carnarvon, in the county of Lancaster, and of Carnarvon in the county of Berks, or such parts thereof as may be necessary to ascertain the boundaries thereof, which lines, when so run and fixed by the Commissioners aforesaid, or any two of them, shall be and remain in the townships aforesaid the lines of the said counties respectively.

Surveys previously made to be valid, tho' not by the proper surveyor of the districts.

SECT. III. *And be it further enacted by the authority aforesaid,* That where any surveys have been made previous to the passing of this act, within the counties aforesaid, by any deputy surveyor, and it shall be found after the running of the several lines, as directed by this act, that the same surveys are not within the proper district of such deputy surveyor, the return of such survey or surveys by the deputy or deputies who may have made the same under circumstances of uncertainty, shall be as good and available in law, as if the same had been executed and returned by the proper deputy of the district, any law to the contrary in anywise notwithstanding: *Provided always,* That nothing herein contained shall, in any degree, prejudice or affect the right of private property.

But this shall not affect private property.

How the expense of executing this act shall be defrayed.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the expenses attending the execution of the duties enjoined upon the Commissioners, so as aforesaid to be appointed by the first section of this act, shall be paid out of the treasuries of the said counties of Berks, Northumberland, Northampton and Luzerne, in proportion to the time which shall be necessary, and the expenses which shall be incurred, in running the lines between the said counties respectively, as in this act directed; and the expenses attending the execution of the duties enjoined on the Commissioners, so as aforesaid to be appointed by the second section of this act, shall be paid out of the treasuries of the counties of Chester, Lancaster and Berks, in proportion to the time which shall be necessary, and the expenses which shall be incurred, in running the lines between the said counties respectively as in this act directed.



## CHAPTER MDCCCXL.

1795.

*An ACT for erecting part of the county of Bedford into a separate county.*

**WHEREAS** the inhabitants of the western part of Bedford county have, by their petitions, set forth to the General Assembly of this state the great hardships they labour under from being so remote from the present seat of justice, and the public offices: For remedy whereof,

**SECT. I.** *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* all that part of Bedford county, lying and being to the westward of a line to be drawn along the top of the Allegheny mountain, from where the Maryland line crosseth the same to where the line of Huntingdon county crosseth the same mountain, shall be, and the same is hereby, declared to be erected into a county, henceforth to be called Somerset.

The county of Somerset erected, and its boundaries described.

**SECT. II.** *And be it further enacted by the authority aforesaid,* That the inhabitants of the said county of Somerset be entitled, and shall at all times hereafter have all and singular the courts, jurisdictions, offices, rights and privileges, to which the inhabitants of other counties of this state are entitled by the constitution and laws of this state.

The rights and privileges of the inhabitants of the new county the same as in other counties.

**SECT. III.** *And be it further enacted by the authority aforesaid,* That from and after the fourth Monday in September next, the Courts of Common Pleas and General Quarter Sessions of the Peace in and for the said county of Somerset shall be opened and held on the Mondays next following the courts of Westmoreland county, at Brunnerstown, in the said county of Somerset, until a court-house and gaol shall be erected as herein after directed, and shall then be held at said court-house.

When and where the county courts shall be held.

**SECT. IV.** *And be it further enacted by the authority aforesaid,* That all the Justices of the Peace now commissioned for the districts of the present county of Bedford, who reside within the limits of the county of Somerset, shall be considered as, and shall be, Justices of the Peace for the said county of Somerset.

Of the Justices of the Peace in the new county.

**SECT. V.** *And be it further enacted by the authority aforesaid,* That no suit or prosecution which has been heretofore commenced, or which shall be commenced in the courts of the county of Bedford, before the fourth Monday in September next, shall be delayed, discontinued or affected by this act, but the same shall proceed to judgment, and execution shall be issued and done of all such judgments by the Sheriff and Coroner of Bedford county, as if this act had not been made.

Of process now depending in the courts.

**SECT. VI.** *And be it further enacted by the authority aforesaid,* That all taxes, and arrears of taxes laid, or directed to be laid, or which have become due within the county of Somerset, before the passing of this act, shall be laid, assessed, levied and collected, in like manner as if this act had not been passed; and all sums of money due to this commonwealth for militia fines in the said county of Somerset shall be collected and recovered, as if this act had not been made.

Of levying taxes and collecting militia fines within the new county.

1795.

Of official security to be given by the county officers.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the Sheriff, Treasurer and Prothonotary, and all such officers as have heretofore usually given surety for the faithful discharge of their respective offices, who shall hereafter be appointed or elected in the said county of Somerset, before they, or any of them, shall enter on the execution of their respective offices, shall give sufficient security, in the same manner and form, and for the same uses, trusts and purposes, as such officers are obliged by law, for the time being, to do in the county of Bedford.

The public officers of Bedford county to act, till others are appointed for the new county.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the Sheriff, Coroner, and public officers of the county of Bedford, other than the Justices of the Peace, shall continue to exercise the duties of their respective offices within the county of Somerset, until similar officers shall be appointed agreeably to law within the said county of Somerset.

Of the election of Representatives in the State Legislature.

[Altered.]

[SECT. IX. *And be it further enacted by the authority aforesaid,* That the inhabitants of the county of Bedford and the county of Somerset shall jointly elect three representatives, to serve in the House of Representatives of this state, in the same mode, under the same regulations, and make return in the like manner, as is directed by the existing laws of this state for conducting the elections and making returns of the elections of the county of Bedford, any thing in this act to the contrary in anywise notwithstanding.]

Commissioners to be appointed to fix the county town;

and to make report.

Their compensation.

[Obsolete.]

[SECT. X. *And be it further enacted by the authority aforesaid,* That the Governor be authorized, and he is hereby required to appoint five commissioners who do not reside in the county of Somerset, which commissioners, or a majority of them, shall meet at the town of Berlin on the first Monday of September next, and proceed to view and determine upon the most eligible and proper situation for erecting the public buildings for the said county, and make their report into the office of the Secretary of this commonwealth, on or before the first day of October next, which report so made shall be final, and shall fix and determine the spot for the seat of justice in and for the said county; for which service each of the said commissioners shall have and receive three dollars per diem, for every day they shall be employed in the said service, to be paid by warrants drawn by the county commissioners on the Treasurer of Bedford county.]

The county commissioners to take assurance of the lot for public buildings.

How the costs shall be paid.

The new county included in the fifth district of Courts of

SECT. XI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the commissioners of taxes of the said county, which shall be elected at the next annual election, to take assurance to them, and their successors in office, of such lot or piece of ground as shall have been approved of by the commissioners to be appointed as aforesaid, or a majority of them, for the purpose of erecting thereon a Court-House, Gaol, and offices for safe keeping of the records; and that for defraying the expenses thereof the county commissioners shall assess and levy, in the manner directed by the acts for raising county rates and levies, a sum not exceeding two thousand dollars.

[SECT. XII. *And be it further enacted by the authority aforesaid,* That the aforesaid county of Somerset shall be, and is hereby, declared to belong to the fifth district, consisting of the counties of



Allegheny, Westmoreland, Fayette and Washington, and that the President of the Courts of Common Pleas within the said district shall be President of the Courts of Common Pleas of the said county.] 1795.

Common Pleas, [Altered.]

[SECT. XIII. *And be it further enacted by the authority aforesaid,* That the said county of Somerset shall form a part of the district composed of the counties of Bedford, Franklin and Huntingdon, for the election of a member of Congress, and of the counties of Bedford and Huntingdon, for the election of a member of the Senate of the state of Pennsylvania.]

Of the election of Representatives in Congress, and Senators in the State Legislature. [Altered.]

SECT. XIV. *And be it further enacted by the authority aforesaid,* That where the division line aforesaid shall divide a township, the part of a township thus divided that will remain in Bedford county shall be a township, and retain its original name, and the part of a township thus divided that will remain in the county of Somerset shall be a township, and retain its original name, until the same shall be altered by the Courts of General Quarter Sessions of the Peace for the said counties respectively.

Of townships divided by drawing the county lines.

SECT. XV. *And be it further enacted by the authority aforesaid,* That the inhabitants of the several townships of the said county of Somerset, qualified by law to elect, shall continue to hold their elections at the usual place where they have heretofore held the same.

Where the elections shall be held.

[SECT. XVI. *And be it further enacted by the authority aforesaid,* That the commissioners of the county of Somerset, elected in pursuance of the directions of this act, shall be authorized, and they are hereby authorized, required and directed, to take a faithful and accurate account of all the taxable inhabitants in the said county of Somerset, and make return thereof, under their hands and seals, to the Legislature of this commonwealth, on or before the first day of February, one thousand seven hundred and ninety six.]

A return of the taxable inhabitants of the new county to be made before the first of February, 1796.

(Obsolete.)

[SECT. XVII. *And be it further enacted by the authority aforesaid,* That from and after the fourth Monday in September next, the Courts of Common Pleas and of General Quarter Sessions of the Peace, for the county of Fayette, shall be held on the Mondays next following the Courts of Somerset county, and the same courts for the county of Washington shall be held on the Mondays next following the Fayette county court.] (r)

The times of holding courts in Fayette and Washington altered.

(Obsolete.)

Passed 17th April, 1795.—Recorded in Law Book No V. page 446.

(r) Commissioners appointed to run the lines between Huntingdon and Somerset; and to mark part of the line between Westmoreland and Somerset, by act of 29th March, 1798, (chap. 1980.)

Part of Bedford county annexed to Somerset, by act of 1st March, 1800, (chap. 2100.)

The commissioners of the county authorized to sell four lots of ground, and appropriate the proceeds to the use of the county, by act of 21st Feb'y, 1803, (chap. 2323.)

Sheriff of Somerset to give security in the sum of five thousand dollars, and the Coroner in one fourth of that sum, by act of 28th March, 1803, (chap. 2355.)

Part of Somerset taken into Cambria county, by act of 26th March, 1804, (chap. 2466.)

The inhabitants of Cambria, to elect with Somerset county, by act of 4th April, 1805, (chap. 2592.)

The powers of the commissioners extended to the county of Cambria, &c. obsolete, by the subsequent organization of Cambria county—see acts of 3d Feb'y, 1806, (chap. 2629,) and 26th Jan'y, 1807, (chap. 2736.)

An academy established at Somerset, by act of 19th March, 1810.

The sixth election district established, and the place of election in part of Quemahoning township, altered by act of 7th Jan'y, 1801, (chap. 2148.)

1795.

Southampton township erected into a separate district, by act of 15th Jan'y, 1802, (chap. 2208.)

Conemaugh township erected into a separate district, by act of 13th Feb'y, 1802, (chap. 2229.) See also act of 4th April, 1805, (chap. 2599. § 23.)

Milford township erected into a separate district, by act of 17th Jan'y, 1803, (chap. 2300.)

Part of Stoney creek township annexed to other districts; Elk Lick township erected into a separate district, and Addison township erected into a separate district, by act of 7th Jan'y, 1804, (chap. 2393.)

The place of holding elections in Southampton township altered, by act of 20th Feb'y, 1804, (chap. 2423.)

Place of holding elections in Elk Lick township changed, by act of 31st March, 1806, (chap. 2715, § 22.)

Allegheny township erected into a separate district; and place of holding elections in Conemaugh District changed, by act of 28th March, 1808, (chap. 2972, § 24-25.)

Places of holding elections in Southampton—Brothers Valley and part of Stoney creek, and Conemaugh townships, changed by act of 4th April, 1809.

Place changed in Brothers Valley and part of Stoney creek townships, by act 30th March, 1810.

By the last enumeration, the county of Somerset contained one thousand nine hundred and twenty-five taxables, and Cambria county, four hundred and thirty taxables. These counties united, therefore send two members to the house of representatives; and with the county of Bedford, one member to the senate, by act of 21st March, 1808, apportioning the representation in pursuance thereof.

Somerset, Cambria, Indiana, Armstrong and Westmoreland counties form the tenth Judiciary district, by act of 24th Feb'y, 1806, (chap. 2634.) The courts in Somerset are held on the last Mondays in Feb'y, May, August and November. The term continues one week.

Somerset forms part of the western district of the Supreme Court.

## CHAPTER MDCCCXLII.

(Ante, p. 82.)

*An ACT to enable the President, Managers and Company of the Philadelphia and Lancaster turnpike road to increase the width of the said road, in certain cases.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, the President, Managers and company of the Philadelphia and Lancaster turnpike road be, and they are hereby authorized and empowered, whenever the turnpike road has been laid out on the ground of any road heretofore laid out and opened of a greater width than fifty feet, to increase the width of the said turnpike road to the same extent, on the same ground as the former road had been laid out and opened; provided the same shall not exceed sixty-eight feet.*

The width of the Lancaster turnpike road, where it runs on a former road, may be increased, not exceeding sixty-eight feet.

And also in other places, with the consent of the owners of the ground.

SECT. II. *And be it further enacted by the authority aforesaid, That in such other places as the said President, Managers and Company shall deem it necessary, and the owners of the land shall be willing to sell them the ground requisite therefor, they be, and hereby are, in like manner authorized and empowered to increase the width of the said road, so as not to exceed sixty-eight feet: Provided always, That the said additional width of the road shall be under the same regulations, and kept in good and perfect order and repair, under the same forfeitures and penalties, as the other parts of the said road by law are subject to.*

The additional width to be kept like the other parts of the road.

Toll eastward of Five Mile or Indian creek, to be no more than for the

SECT. III. *Provided always, and be it further enacted by the authority aforesaid, That it shall not be lawful for the said turnpike company, from and after the passing of this act, to ask, demand or receive from or for any persons or things passing along the said*



road, eastward of the creek known by the name of the Five Mile or Indian creek, any toll for a greater distance than they shall actually travel: *And provided also*, That it shall not be lawful for the said company to ask, demand or receive from or for persons living on or adjacent to the said road who may have occasion to pass by the said road upon the ordinary business relating to their farms or occupations, and who shall not have any other convenient road or way by which they may pass, any toll for passing on or by the said turnpike. (s)

1795.  
distance actually traveled on the road.  
No toll to be paid by persons for passing on the road, upon the business of their adjoining farms.

Passed 17th April, 1795.—Recorded in Law Book No. V. page 479.

(s) See note to act of 17th March, 1806, (chap. 2683, post.) for the construction of this proviso.

## CHAPTER MDCCCXLIV.

### *An ACT relative to donation lands.*

SECT. 1. [THE Comptroller to make a list of persons entitled to donation lands, and transmit it to the Land-Officers, who should contract with persons to prepare for drawing by lot the shares due to the parties so entitled. 2. Proceedings to be had by the persons employed to prepare for drawing the lottery. The lottery wheels to be kept by the Land-Officers, who shall draw for absentees. The number of tickets not to exceed the amount of claimants who have not heretofore drawn lots. How applicants may draw, and what number of tickets, according to their respective ranks. 3. Report to be made by the Land-Officers to the Governor of the numbers drawn. Patents to issue thereupon, at the expense of the state. 4. The legal representatives of any claimant deceased shall be admitted to his rights. 5. Applications allowed to be made within one year generally; and persons out of the United States shall have two years; and persons in the army shall have three years.]

(See vol. 2, pa. 63, 64, 287, 290, 297.)

SECT. VI. *And be it further enacted by the authority aforesaid*, That after the expiration of the respective periods for making application as aforesaid, so much of the said donation lands, for which no application shall have been made, may be disposed of in such manner as the Legislature shall in future by law direct.

SECT. 7. [The Surveyor to advertise the extension of the term for claiming donation lands.]

Passed 17th April, 1795.—Recorded in Law Book No. V. page 440.

## CHAPTER MDCCCXLV.

*An ACT to provide for laying out and establishing towns and out lots within the several tracts of land heretofore reserved for public uses, situated respectively at Presqu'Isle, on Lake Erie, at the mouth of French creek, at the mouth of Conewango creek, and at Fort le Bœuf.*

IN order to facilitate and promote the progress of settlements within this commonwealth, and to afford additional security to the

1795. frontiers thereof, by the establishment of towns within the several tracts of land heretofore reserved for public uses :

Commissioners to be appointed to survey and lay out a town and out lots at Presqu'Isle.

Dimensions of the lots and width of the streets.

The town called "Erie,"

The commissioners to return the surveys into the office of the Secretary of the commonwealth,

Whereupon the Governor may sell and convey one third of the lots.

Conditions of the sale,

Patents not to issue till the same are performed,

Forfeiture, in case of failure therein.

[Repealed, see note.]

The time, place, terms and conditions of sale

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the Governor may and shall appoint two commissioners to survey or cause to be surveyed, one thousand and six hundred acres of land for town lots, and three thousand and four hundred acres of land, adjoining thereto, for out lots, at or near to Presqu'-Isle, on Lake Erie, within the tract heretofore reserved for public use in and by an act, entitled "An act for the sale of the vacant lands within this commonwealth," passed on the third day of April, in the year one thousand seven hundred and ninety-two; and the said lands so surveyed shall respectively be laid out into town lots and out lots, in such manner, and with such streets, not more than one hundred nor less than sixty feet wide, and such lanes, alleys and reservations for public uses, as the said commissioners shall direct, but no town lots shall contain more than one third of an acre, no out lot shall contain more than five acres, nor shall the reservations for public uses exceed in the whole twenty acres; and the town hereby directed to be laid out shall be called "Erie," and all the streets, lanes and alleys thereof, and of the out lots thereto adjoining, shall be and for ever remain common highways.

SECT. II. *And be it further enacted by the authority aforesaid,* That the said commissioners shall with all convenient despatch, file a draft, return and report of the survey and proceedings made and executed by virtue of this act, in the office of the Secretary of the commonwealth, and thereupon it shall be lawful for the Governor, at such time and times, in such manner, and on such terms, as to him shall appear most advantageous to the commonwealth, to sell, or cause to be sold, at public auction, and by letters patent under the seal of the state to grant and convey, to the highest and best bidders respectively, one third part of the town lots and one third part of the out lots surveyed and laid out as aforesaid, upon the condition herein after specified, that is to say; [that the respective purchasers shall and do, within the term of two years from and after the day of sale, erect and build one house, at least sixteen feet square, and containing at least one brick or stone chimney, on each and every town lot by them respectively purchased; and the Governor shall not grant nor issue any patent, nor from and after the expiration of the said term of two years shall any sale, so made as aforesaid, be deemed or construed to vest in the respective purchasers any title, interest, claim or demand, in law or equity, to the lots by them respectively purchased, but all payments previously made shall thenceforth be forfeited to the commonwealth, unless satisfactory proof be first given to the Court of Common Pleas of the proper county, and be by such court certified to the Governor, that a house has been erected and built on the town lots respectively, for which patents shall from time to time be required, according to the true intent and meaning of this act: *Provided always,* That the Governor shall, at least eight weeks previously to the sale of the said town lots and out lots, or any of them, issue and publish,



or cause to be issued and published, in at least one newspaper in each of the counties in this commonwealth, in which newspapers are printed, a notification of the time, place, terms and conditions of such sale; *Provided also*, That the Governor shall cause a draft or drafts of the said town and out lots to be exposed to view in some suitable public situation, in each of the places where such notifications shall be published, and also at the time and place when and where the said lots shall be exposed to sale: *And provided further*, That at the time of such sale, not more than one town lot and one out lot shall be put up to sale together.

1793.  
to be published.

Drafts of the town lots to be exposed to view.

Not more than one town lot and one out lot to be put up to sale together

How the purchase money shall be paid:

SECT. III. *And be it further enacted by the authority aforesaid*, That one moiety or half part of the purchase money of each and every lot sold in the manner directed by this act shall be paid within three months from and after the time of such sale, and the other moiety or half part thereof within one year from the time of such sale, together with lawful interest for the same; and in case payment for any of the lots should not be made within the term or terms herein mentioned and fixed for payment, the sale of such lot or lots shall be absolutely void, and of no effect.

and penalty in case of default.

SECT. III. *And be it further enacted by the authority aforesaid*, That the said commissioners shall also survey, or cause to be surveyed, previously to and exclusively of the survey of the said town lots and out lots, one lot of sixty acres, on the southern side of the harbour of Presqu'Isle, one moiety thereof upon the bank, and the other moiety below the bank, comprehending the point at the entrance of the harbour, one lot of thirty acres on the peninsula, at or near the entrance of the harbour, and one other lot on the peninsula, to contain one hundred acres, for the accommodation and use of the United States, in erecting and maintaining forts, magazines, arsenals and dock-yards thereon, and in such other improvements as the said United States may judge proper to make, for their advantage and convenience; and the situations and forms of the said three lots shall be chosen and fixed, with a special reference to the uses aforesaid, by the said commissioners, and the engineer who shall be employed by the United States, if any such shall be appointed, and shall attend for that purpose; and the said commissioners shall, with all convenient despatch, return and file in the office of the Secretary of the commonwealth, a draft of the location and survey of the said three last mentioned lots, and the said draft, being approved by the Governor, and recorded by the Secretary, shall be deposited in the office of the Surveyor-General; and it shall be lawful for the United States at any time thereafter to take possession of, and occupy the said three last mentioned lots, and thereon to erect, establish and maintain all necessary forts, magazines, arsenals and dock-yards, and to make such other improvements thereon, as they may judge proper, and the same to continue to possess, occupy and hold, so long as they shall deem it expedient to maintain and shall actually maintain a fort, garrison, or other military establishment, at or near Presqu'Isle, and no longer: *Provided always*, That if the mill-seats on the creek running near the ruins of the old French fort should fall within the cessions hereby made to the United States, the same shall nevertheless

Three tracts to be surveyed at Presqu'Isle for the use of the United States,

to be chosen by their Engineer.

Return to be made thereof into the Secretary's office, recorded there, and deposited in the office of the Surveyor-General.

The three tracts may thereupon be occupied by the United States.

Reservation of mill-seats out of the foregoing grant.

1795.

Reservation of the right to lay out roads through the three tracts.

Reservation of the jurisdiction and right of soil therein.

The commissioners shall also survey and lay out a town at the mouth of French creek.

The town called "Franklin."

The return of the plan of the last town, and proceedings thereupon, to be the same as in the case of Erie.

The commissioners shall also survey and lay out a town at the mouth of Conewango creek.

less be, and hereby are, reserved for the use of this state, with the right of erecting mills thereon, but no buildings, mills excepted, shall be erected within six hundred yards of the centre of any fort, which shall be erected by the United States on either of the lots ceded to them as aforesaid: *Provided also*, That it shall be lawful to lay out and open convenient roads through such parts of the said three lots, as the reasonable accommodation of the state or its citizens may require, without injury to the United States in respect to the true object of the cession: and it is the express intent and meaning of this act, that nothing herein contained shall be deemed, construed, or in any wise taken to cede and transfer unto the United States the jurisdiction or right of soil in and to the said three last mentioned lots, but only the occupancy and use thereof for the purposes aforesaid.

SECT. V. *And be it further enacted by the authority aforesaid*, That the said commissioners shall also survey, or cause to be surveyed, three hundred acres for town lots, and seven hundred acres of land adjoining thereto, for out lots, at the most eligible place within the tract heretofore reserved for public use at the mouth of French creek; and the lands so surveyed shall be respectively laid out and divided into town lots and out lots, in such manner, and with such streets, lanes, alleys, and reservations for public uses, as the said commissioners shall direct: but no town lot shall contain more than one third of an acre, no out lot shall contain more than five acres, nor shall the reservations for public uses exceed in the whole ten acres; and the town hereby last directed to be laid out shall be called "Franklin," and all the streets, lanes and alleys thereof, and of the out lots thereto adjoining, shall be and for ever remain common highways.

SECT. VI. *And be it further enacted by the authority aforesaid*, That the said commissioners shall file a draft, return and report of the survey, and proceedings made and executed with respect to the said last mentioned town and out lots; and the Governor shall proceed to sell at public auction, and to convey to the respective purchasers one third of the town lots and one third of the out lots, in like manner, with like power and authority, and subject to the like regulations, restrictions, terms, conditions and forfeitures, as are herein before provided touching the survey, return, sale and conveyance of the town lots and out lots directed to be laid out at or near to Presque-Isle.

SECT. VII. *And be it further enacted by the authority aforesaid*, That the said commissioners shall also survey, or cause to be surveyed, three hundred acres for town lots, and seven hundred acres of land adjoining thereto for out lots, at the most eligible place within the tract heretofore reserved for public use at the mouth of Conewango creek; and the lands so surveyed shall be respectively laid out and divided into town lots and out lots, in such manner, and with such streets, lanes, alleys and reservations for public uses, as the said commissioners shall direct; but no town lot shall contain more than one third of an acre, no out lot shall contain more than five acres, nor shall the reservations for public uses exceed in the whole ten acres; and the town hereby last directed to be laid out



shall be called "Warren," and all the streets, lanes and alleys thereof, and of the lots thereto adjoining, shall be and remain common highways.

1795.

The town called "Warren." The return of the plan of the last town, and proceedings thereupon, to be the same as in the case of Erie.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the said commissioners shall file a draft, return and report of the survey and proceedings, made and executed with respect to the said last mentioned town and out lots; and the Governor shall proceed to sell at public auction, and to convey to the respective purchasers, one third of the town lots and one third of the out lots, in like manner, with like power and authority, and subject to the like regulations, restrictions, terms, conditions and forfeitures, as are herein before provided touching the survey, return, sale and conveyance of the town lots and out lots directed to be laid out at or near to Presque-Isle.

SECT. IX. And whereas Andrew Ellicott lately surveyed and laid out a town, within the tract heretofore reserved for the public use at Le Bœuf, near the head of the navigation of French creek, and the draft and plan of the said town being communicated by the Governor to the General Assembly, was by them approved: *Therefore be it enacted by the authority aforesaid,* That the said draft and plan of the town so surveyed and laid out by the said Andrew Ellicott, within the tract heretofore reserved for the public use at Le Bœuf aforesaid, being first recorded in the office of the Secretary of the commonwealth, and the original thereof deposited in the office of the Surveyor-General, shall be, and the same is hereby, in all respects, accepted, ratified, confirmed and established, as fully and effectually, as if it had been made by virtue of a law previously authorizing a town to be surveyed and laid out at Le Bœuf, agreeably to the division, and with such streets, lanes, alleys and reservations for public uses, as are in the said draft or plan particularly contained; and the commissioners herein before directed to be appointed shall also survey, or cause to be surveyed, five hundred acres of land, adjoining the said last mentioned town, for out lots: and the same shall be divided in such manner, and with such streets, lanes and alleys, as the said commissioners shall direct, but no out lot shall contain more than five acres, nor shall the reservation for public uses exceed in the whole ten acres; and the said last mentioned town shall be called "Waterford," and all the streets, lanes and alleys thereof and of the out lots thereto adjoining, shall be and for ever remain common highways.

Confirmation of Ellicott's plan of a town at Le Bœuf, the same being first recorded in the Secretary's office, and deposited in the office of the Surveyor-General.

Out lots to be surveyed and laid out adjoining thereto.

The town called "Waterford."

SECT. X. And whereas sundry persons have already built and erected houses within the said last mentioned town, and it is reasonable that they should thereby acquire a right of pre-emption to the lots on which they are respectively settled: *Therefore be it enacted by the authority aforesaid,* That the several persons who have actually settled and built houses on the several lots, which in the said draft or plan of the last mentioned town are numbered, respectively, nineteen, twenty, twenty-one, twenty-two, seventy-six, seventy-seven, one hundred and fifty-six, one hundred and sixty-one, and two hundred and seventy-six, or their heirs and assigns, shall, at the expiration of two years from and after the passing of this act, be entitled to claim, and have patents for the said lots respectively,

Actual settlers on certain specified lots in Waterford shall have a right of pre-emption.

1795.

Conditions thereof.

No patent to issue for two years; and a forfeiture of the right to it incurred by non performance of the conditions.

The return of the out lots of Waterford, and the proceedings thereupon, to be the same as in the case of Erie.

Place for making sales of the lots.

The enlistments of the state troops at Le Bœuf may be protracted.

A draft to be made for protecting the commissioners.

When the state troops shall be discharged.

[Obsolete.]

upon the conditions hereinafter specified, that is to say; that they shall respectively give satisfactory proof to the Court of Common Pleas of the proper county, who shall certify the same to the Governor, that they, or some persons representing them respectively, have constantly resided on their respective lots, for and during the said term of two years; and also shall, on one month's notice, pay into the treasury a sum equal to the price which shall be bid for any lots of similar dimensions, and of similar situations, of which the Governor shall be the judge, within the said last mentioned town, at the sale hereinafter directed to be made; and the Governor shall not grant or issue any patent, nor from and after the expiration of the said term of two years, shall the settlement of such persons respectively, or any provision in this act contained, be deemed or construed to vest in the respective settlers any title, interest, claim or demand, in law or equity, to the lots on which they are respectively settled as aforesaid, but all payments previously made shall thenceforth be forfeited to the commonwealth.

SECT. XI. *And be it further enacted by the authority aforesaid,* That the said commissioners shall file a draft, return and report of the survey and proceedings made and executed with respect to the said last mentioned out lots, and the Governor shall proceed to sell at public auction, and to convey to the respective purchasers, one third of the town lots and one third of the out lots last mentioned (exclusively of those lots that shall be reserved for public uses, and those that are appropriated in favour of the present settlers thereon, by the next preceding section of this act) in like manner, with like power and authority, and subject to the like regulations, restrictions, terms, conditions and forfeitures, as are herein before provided touching the survey, return, sale and conveyances of the town lots and out lots directed to be laid out at or near to Presqu'-Isle.

SECT. XII. *And be it further enacted by the authority aforesaid,* That one half of the town lots and out lots to be sold in pursuance of this act shall be sold in the city of Philadelphia, one fourth in Carlisle, in the county of Cumberland, and one fourth in Pittsburgh, in the county of Allegheny.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the Governor, with the consent of the individuals respectively, to protract the enlistments of such part of the detachment of state troops, or such part thereof as are or may be in garrison at fort Le Bœuf, or to enlist as many men as he shall deem necessary, not exceeding one hundred and thirty, for the term of eight months, (unless sooner discharged) from and after the expiration of the present term of enlistment, for the same pay and allowances as are now paid and allowed to the said detachment, and to draft and employ a competent number from the said garrison, to protect and assist the Commissioners, Surveyors and other attendants, intrusted with the execution of the several objects of this act: *Provided always nevertheless,* That as soon as a fort shall be established at Presqu'-Isle, and the United States shall have furnished adequate garrisons for the same, and for fort Le Bœuf, the Governor shall discharge the said detachment of state troops, except the party thereof employed in protecting and assisting the



Commissioners, Surveyors, and other attendants as aforesaid, which shall be continued until the objects of this act are accomplished, and no longer.] 1795.

[SECT. XIV. *And be it further enacted by the authority aforesaid,* That if occurrences shall take place, which, in the opinion of the Governor, will make it requisite that a greater force than the aforesaid detachment will be necessary to carry into effect the purposes of this act, or if, in his opinion, from the continuation of hostilities by the Indians, it will be requisite for the defence of any part of the western frontiers, he may, at his discretion, raise one complete company of expert riflemen, to consist of one Captain, one Lieutenant, one Ensign, four Serjeants, four Corporals, one Drummer and Fifter, or two Buglers, and sixty-five privates, to serve until the first day of December next, unless sooner discharged, who shall be entitled to the same pay and rations, and be under the same regulations and restrictions, as the troops directed to be raised by an act passed the twenty-eighth day of February, in the year of our Lord one thousand seven hundred and ninety-four, entitled "An Act for more effectually securing the trade, peace and safety of the port of Philadelphia, and defending the western frontiers of this commonwealth."] The governor empowered, if necessary, to raise an additional company for the protection of the frontiers.

How to be organized;

their pay and rations.

[Obsolete.]

SECT. XV. *And be it further enacted by the authority aforesaid,* That in order to defray the expenses of making the survey at fort Le Bœuf, and the various surveys and sales herein directed, and to maintain the garrison at fort Le Bœuf, there shall be, and hereby is, appropriated the sum of seventeen thousand dollars, to be paid by the Treasurer on the warrants of the Governor; and the accounts of all disbursements, services and expenses, made and incurred in pursuance of this act, shall be exhibited and settled agreeably to the laws for settling other public accounts.] The expenses of this act, how to be defrayed.

[Obsolete.]

SECT. XVI. *And be it further enacted by the authority aforesaid,* That the act, entitled "An Act for laying out a town at Presqu'Isle," passed the eighth day of April, one thousand seven hundred and ninety-three, and the supplement thereto, passed the eighteenth day of April, one thousand seven hundred and ninety-four, shall be, and the same are hereby, repealed. (t)

Repeal of two former acts, respecting the town at Presqu'Isle.

[Chap. 1666. 1737.]

Passed 18th April, 1795 — Recorded in Law Book No. VI. page 1.

(t) See the "Act to provide for selling the several reserved tracts of land adjoining the towns of Erie, Franklin, Warren and Waterford, and for other purposes therein mentioned, passed 11th April, 1799, in this volume, *post.* (chap. 2069.)

See also "A supplement to the several acts relative to establishing town and out-lots, and selling the same, within the reserved tracts of land adjoining Erie, Franklin, Warren and Waterford," passed 19th Feb'y, 1800, in this volume, *post.* (chap. 2096,) by which the improvement clauses as to lots in these towns is repealed; and pre-emption given to persons who had paid any money for, or improved any of said forfeit-

ed lots, at the prices they had been sold for, provided application, and payment, were made within twelve months. Which was extended for one year, by act of 26th Feb'y, 1801, (chap. 2189.)

The first section of the town of Erie, was erected into a borough, by act of 29th March, 1805, (chap. 2577.)

Two thousand dollars were granted to the commissioners, for the purpose of erecting public buildings in the town of Erie, for the use of the county: by act of 16th March, 1807, (chap. 2772.) (See "Erie county," in the General Index.)

By an act passed 20th March, 1811, entitled "A supplement to an act entitled "An act to provide for selling

1795. the several reserved tracts of land adjoining the towns of *Erie, Franklin, Warren and Waterford*, and for other purposes therein mentioned." The governor is directed to appoint two persons, who, together with the commissioner of sales, are to appraise all the in-lots in squares, and the out lots in the second section of *Erie*, which appraisement shall be entered in a book for that purpose, they shall then advertise the lots for sale on a day certain; but no contract shall be confirmed until sixty days after opening the books; and the terms prescribed, in yearly instalments; the bonds to be sent to the Secretary of the Land-Office within six months; who shall issue patents to the purchasers, on payment according to the sales. The commissioner and persons appointed to be under oath or affirmation, and to receive a certain compensation.

The Beach of the lake, from the upper corner of the garrison tract, and for twenty perches back from the water's edge, down the lake to the out-lots, and from thence down the same,

including all the land between the out-lots and the water's edge, to the tract of land No. 38, shall be and remain a public landing for the use of the inhabitants and others, until otherwise appropriated by law; and penalty for obstructing the said landing.

By an act passed 2d April, 1811. The occupancy and use of certain lands near *Presqu' Isle*, not less than two nor more than four acres, are ceded to the United States, for the purpose of erecting a light-house, commissioners appointed to survey and lay it off, and transmit the draft thereof to the Secretary of the treasury of the United States. —The jurisdiction, and right of soil excepted by the state.

An academy is incorporated in the borough of *Erie*, by act of 2d April, 1811. And five hundred acres of the reserved lands, adjoining the town and fifteen town lots, are granted to the said academy, for the use thereof, &c.

Two out-lots of the town of *Franklin*, ceded to the United States, by act of 1st Feb'y, 1796, (chap. 1858,) *post*.

## CHAPTER MDCCCXLVI.

### *An ACT providing for the inspection of Gun-powder.*

WHEREAS gun-powder imported from abroad, and manufactured within this state, hath frequently been found to vary much in its strength, and sometimes of inferior qualities, and its defects not discovered until brought into actual use: And whereas the modes heretofore used to prove the force thereof have been found uncertain and variable: And whereas Joseph Leacock, of the city of Philadelphia, hath invented an engine, called a pendulum powder proof, with a graduated arch and catch-pall, by which it is conceived that the force of gun-powder may be proved by experiment, and the article reduced to certain and uniform standards of strength, whereby the manufacture may be advanced towards ultimate perfection, and the purchaser and consumer protected against fraud and imposition:

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of October next, all gun-powder manufactured within this state, with intent, to sell the same within the city or county of Philadelphia, shall be put in good and tight kegs or casks of twenty-five, fifty, or one hundred pounds neat weight, each made of well seasoned timber, bound together with at least twelve hoops, and having a hole bored in each head, of the diameter of one fourth part of an inch, well stopped with corks and having the tare weight of each cask marked thereon, and that all such

[See vol. 2, pa. 401, and the note thereto.]

Gun-powder manufactured in this state, how to be packed in casks.



gun-powder, and all other gun-powder, wheresoever manufactured, 1795.  
imported into the port of Philadelphia, or brought into the city or  
county of Philadelphia for sale, shall be deposited, forthwith on such  
importation or bringing in by land or by water, in the public maga-  
zine in the said city, and delivered to the care of the keeper of the  
same, who shall give his receipt for the same, deliverable to the or-  
der of him or them who shall so deposit the same.

All gun-  
powder  
manufac-  
tured, or im-  
ported, to be  
deposited in  
the maga-  
zine.

SECT. II. *And be it further enacted by the authority aforesaid,* Commission-  
That David Rittenhouse, Francis Gurney, and Thomas Proctor be, ers appointed  
and they are hereby, appointed commissioners, to procure at least to procure  
two pendulum powder proofs, upon the construction invented by the pendulum  
said Joseph Leacock, as nearly uniform in the length of the radius powder  
and weight of pendulum, and in length of caliber and weight of the proofs.

pistol, as they can procure the same, and therewith make experi-  
ments of the respective strength or force of the several species of  
gun-powder imported from abroad, and manufactured within this  
state, sufficient in number to ascertain the quality and force of three  
different degrees of strength in explosion, and marking the number  
of degrees on the graduated arch of the said engine, to which equal  
quantities by weight of the said three species of gun-powder, ram-  
med with equal force into the pistol, shall elevate the said pendu-  
lum; and the powder, which shall be barely capable of raising the  
said pendulum to the lowest rate of elevation, shall be the standard  
for the state of Pennsylvania for gun-powder of the first or lowest  
proof; and the powder, which shall be capable of raising the said  
pendulum to the highest rate of elevation, shall be the standard of  
gun-powder for the state of Pennsylvania of the third or highest  
proof; and the middle or second proof standard of gun-powder  
shall be ascertained by the number of degrees on the said graduated  
arch, to which the same quantity by weight in equal moieties of the  
first and third proof powder shall be capable of raising the said pen-  
dulum; and the said standard being so fixed and ascertained, the  
said commissioners shall make report thereof in writing, by inden-  
tures under their hands and seals, one part thereof, together with  
one of the said two pendulum powder proofs, and as accurate a draft  
and description thereof as can be made shall be returned to the  
Governor, to be filed and remain in the office of the Secretary of the  
commonwealth; one other part shall be returned to the Master of  
the Rolls, to be recorded in his office, and filed among the laws of  
the state; and the other part, together with the other pendulum  
powder proofs, shall be delivered to the first Inspector of gun-pow-  
der to be appointed in pursuance of this act, and by him, and his  
successors in office, to his and their successors, as often as another  
officer shall be appointed.

Standard  
proofs of gun-  
powder.

The commis-  
sioners to  
report, and  
return accu-  
rate drafts  
of the two  
pendulum  
powder  
proofs;

where the  
same shall  
be deposited.

SECT. III. *And be it further enacted by the authority aforesaid,*  
That so often as the said pendulum powder proofs in the posses-  
sion of the Inspector shall by natural wear, or by accident, be ren-  
dered unfit for use, or its accuracy doubted, the same shall be com-  
pared with the other remaining in the Secretary's office, and if found  
necessary, a new one constructed, and made conformably thereto in  
measure and weight, for the use of the Inspector at his own costs  
and charges.

How the  
pendulum in  
the keeping  
of the in-  
spector may  
be repaired,  
or a new one  
made.

1795.

SECT. IV. *And be it further enacted by the authority aforesaid,*

A suitable building to be erected, for the use of the inspector.

That the said Commissioners shall prepare and report a plan for the necessary buildings, and an estimate of the expense thereof, and the same being laid before and approved by the Governor, he shall cause to be erected and built, on the most proper part of the lot belonging to the public magazine aforesaid, a brick building, for the use of the Inspector, with two apartments, one for the purpose of keeping his engine apparatus and for making proofs, and the other for the purpose of keeping the samples of powder in safety, the expense of which building shall be paid and defrayed by warrants to be drawn by the Governor on the State Treasurer, which shall be allowed him on settlement of his accounts, out of the fund for the support of government: *Provided*, That the whole amount of the expense thereof do not exceed the sum of five hundred dollars.

Limitation of the expense.

An inspector of gun-powder to be appointed.

SECT. V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor of this commonwealth, and he is hereby required, as soon as conveniently may be after the passing of this act, and as often afterwards as the office shall become vacant by death, resignation or otherwise, to appoint one suitable and skilful person to be inspector of gun-powder in and for the city, port and county of Philadelphia, who before he enters on the duties of his office, shall take and subscribe the oath or affirmation required by law for the support of the constitutions of the United States and of this state; and moreover shall take and subscribe, before the Governor, an oath or affirmation, that he will well and faithfully perform all and singular the duties required by this act, according to the best of his knowledge, skill and ability, and without prejudice or partiality.

His qualification.

Duties of the inspector.

To inspect, examine and prove the gun-powder;

to mark the standard quality;

to mark condemned gun-powder;

to weigh the gun-powder occasionally;

and to supply any deficiency from other casks.

SECT. VI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Inspector of gun-powder so to be appointed, for the time being, to attend at the said public magazine, and his office so to be built, as often as shall be necessary, to inspect and examine all gun-powder there to be deposited, to draw samples from each cask of powder which shall be so as aforesaid bored, and to open or otherwise get samples of casks of powder not bored as aforesaid, and removing such samples to his office, there to prove the same by the pendulum proof aforesaid, and note the standard quality of each cask, to provide himself with cedar plugs stamped on the outer end with the letters S. P. and the figures number one, number two, and number three, to designate the first, second and third proofs of standard gun-powder of the state of Pennsylvania, and another stamped with the letters S. P. to designate condemned

C.

gun-powder, and therewith carefully to plug up the holes opened or made for the purpose with such marked plugs, as the proof quality of the powder in each cask respectively contained, and occasionally to weigh the said casks; and if upon weighing the same suspicion should arise that the casks are false tared, or do not contain the quantity herein above mentioned for each cask, to empty the same, and weigh the cask and powder separately, to ascertain the deficiency, if any, in the neat weight, and to fill the same to its due weight out of any other cask belonging to the same person, marking the



weight taken on the ullage casks, and keeping an exact account in his books thereof, and of the names of the owners, and the persons bringing and depositing the same. 1795.

SECT. VII. *And be it further enacted by the authority aforesaid,* That every cask of gun-powder inspected as aforesaid shall be plugged up with a plug marked with the number next below the standard number of degrees to which the pendulum shall not be elevated in the proof, and that every cask of gun-powder inspected as aforesaid, which shall not elevate the pendulum to the standard of the first or lowest proof, shall be condemned, and one pint of clean water for every twenty-five pounds of powder therein contained shall be poured thereinto, and the hole plugged up with the plug marked S. P. before the same shall be delivered over to the

Rule for marking or condemning gun-powder.

C.

owner to be refined and re-manufactured; and to prevent a failure in the inspection by the temporary indisposition of the Inspector, it shall and may be lawful for him to execute all the duties hereby required by a Deputy, to be appointed by him, and approved by the Governor, the Deputy first taking and subscribing the like oaths or affirmations hereby required from the principal.

The inspector, may appoint a deputy.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the keeper of the said magazine shall at all seasonable times in every juridical day in the year admit the said Inspector, and his Deputy and Assistants, into the said magazine, to do and perform the several duties hereby required of him and them, and shall not deliver any powder from the said magazine until the same shall be inspected as aforesaid.

The inspector, &c. to be admitted into the magazine.

Powder not to be delivered, till inspected.

SECT. IX. *And be it further enacted by the authority aforesaid,* That no person appointed to the office of Inspector, or his Deputy, shall, during the time of holding or exercising the said office, be concerned directly or indirectly in manufacturing, buying or selling gun-powder in gross, or by retail, under penalty of forfeiting the sum of five hundred dollars for every such offence, to be recovered by any person who will sue for the same in any court having competent jurisdiction, one moiety for the use of this commonwealth, and the other to the use of him or them who shall sue for the same; and upon conviction thereof shall be removed from the said office, and wholly disqualified to take or hold any office of trust or profit under this commonwealth.

Penalty, if the inspector or his deputy are concerned in manufacturing or selling gun-powder.

SECT. X. *And be it further enacted by the authority aforesaid,* That if any person, from and after the said first day of October next, importing or bringing into the port or city, or county of Philadelphia, any quantity of gun-powder exceeding twenty-five pounds, with intent to sell the same, shall neglect to deposit the same for inspection in the magazine aforesaid, or shall sell the same before it be inspected and marked as aforesaid, or shall sell any gun-powder that shall be condemned as aforesaid as and for merchantable gun-powder, every person so offending shall forfeit all such gun-powder as aforesaid.

Penalty on not depositing gun-powder in the magazine, or selling the same without inspection.

SECT. XI. *And be it further enacted by the authority aforesaid,* That the Inspector shall be entitled to demand and receive of and from the owner and possessor of all gun-powder deposited in the

Fees of the inspector.

1795. said magazine, and by him or his Deputy examined, proved and plugged, as aforesaid, the following sums or rates, whether the same be approved or condemned, paid or secured, before the same shall be removed from the magazine, if the Inspector shall so require ; for every cask of powder, manufactured in this state, or any of the United States, bored, and stopped with corks by the manufacturer, containing twenty-five pounds neat weight, seven cents ; for every like cask containing fifty pounds, eight cents ; for every like cask containing one hundred pounds, nine cents ; and for every cask of foreign powder, or powder manufactured in the United States, not bored and stopped with corks as aforesaid, double the said price or rates ; and for every cask which he shall find deficient one per cent. in weight and shall fill up, fifty cents.

How disputes between the owner of gun-powder and the inspector shall be decided.

SECT. XII. *And be it further enacted by the authority aforesaid,* That if any dispute should arise between the owner, possessor or consignee of any such powder and the Inspector, touching the proof or condemnation thereof, or of the goodness of the materials and manner in which the casks are made, upon application by the owner, possessor or consignee of such powder to one of the Magistrates of the city or county of Philadelphia, where the dispute shall arise, the said Magistrate shall issue his warrant to three indifferent judicious persons to be triers thereof, one of them to be named by the said owner, possessor or consignee, one by the said Inspector, and the third by the said Magistrate, directing the said triers to view and examine the said powder, and make report to him forthwith touching the condition thereof, and that if they shall find the said powder not merchantable, that they certify to him the cause thereof, and the said Magistrate shall thereupon give his judgment agreeably to the report of the said triers, or any two of them ; and in case the said Magistrate shall on such report adjudge the powder not to be merchantable, he shall award the owner, possessor or consignee thereof, to pay all costs ; but in case the said powder shall be found merchantable, the Inspector shall be adjudged to pay all costs, which may have accrued, and shall thereupon cause the powder to be marked as of the standard to be directed by the said triers. (u)

Passed 18th April, 1795.—Recorded in Law Book No. VI. page 26.

(u) By a supplement to this act, passed 29th March, 1802, in this volume, (chap. 2264.) The Inspector is authorized, directed and enjoined on request, &c. of any owner or occupier of any manufactory of gun-powder, within the county of Philadelphia, to repair to such manufactory, from time to time, to inspect and mark all gun-powder manufactured thereat, and to receive ten cents a mile, travelling expenses, therefor, besides his usual fees.

And the owner may remove such gun-powder immediately from the manufactory to the place of exportation.

Penalty on the superintendent of the magazine, or his deputy, if concerned directly, or indirectly, in manufacturing or selling gun-powder.

The superintendent, in future, not to receive any fee or emolument for the delivery of any gun-powder ; but shall only charge for the storage of gun-powder deposited in the magazine.



## CHAPTER MDCCCXLVII.

1795.

An ACT supplementary to the several Acts of Assembly for establishing the Judicial Courts of this commonwealth, in conformity to the alterations and amendments in the constitution.

WHEREAS the times directed for holding the Supreme Court of this commonwealth are inconvenient ; Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the end of the present term of April, the three terms of the Supreme Court of this commonwealth shall be holden on the first Monday in September, and on the second Monday in December, and the third Monday in March ; and that the said December term shall continue three weeks, and no longer ; and the said terms in September and March shall continue two weeks, and no longer ; and that the act to which this is a supplement, so far as it regulates the times of holding the court aforesaid, or the time of continuance thereof, shall be and is hereby repealed.

The time for holding, and the continuance of, the terms of the Supreme Court altered.

[See the notes to chap. 255, vol. 1, page 131.]

SECT. II. And whereas delays and inconvenience, as well in the commencement as in the prosecution of suits and proceedings in the Supreme Court of this state, arise from the want of a second return day in each term of the said court : *Therefore be it enacted by the authority aforesaid, That* the last day as well as the first day of every term of the said court, hereafter to be holden, shall be a common day of return in the same court, at either of which periods any writs, original, mesne, or judicial process, or other proceeding issuing or to be had out of the said court, may be made returnable, at the election of the party suing out the same, and the same writs, process and other proceedings, thus made returnable on the last day of the term shall be as valid and effectual in all cases, and to all intents and purposes, as if the same had been made returnable on the first day of the term ; provided that the same be sued out at like periods of time previous to the second return day, and like directions be observed and performed, as are made necessary by law in writs, process or other proceedings, returnable on the first day of the term : *And it is further provided, That* nothing herein contained shall prevent special days of return being appointed or assigned, either of course, or at the discretion of the Justices of the said court, or of any one of them, for writs, process or proceedings in the said court, in which special days of return have heretofore been used or accustomed so to be appointed or assigned.

The last as well as the first day of every term made a return day.

The proceedings to be the same, as where the process is returnable on the first day.

Special days of return may be assigned, as heretofore.

Passed 18th April, 1795.—Recorded in Law Book No. VI. page 33-4.

## CHAPTER MDCCCXLVIII.

An ACT to empower the corporation of the city of Philadelphia to oblige the owners and occupiers of houses in the said city to provide buckets, to be used in extinguishing fires.

(See vol. 2, page 462.)

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly*

1795. *met, and it is hereby enacted by the authority of the same, That the Mayor, Recorder, Aldermen, and Common Councilmen of the city of Philadelphia, in Common Council assembled, shall have full power and authority to make and establish any law, ordinance or regulation, to oblige the owners and occupiers of houses in the said city to provide, and keep in repair, any number of leathern buckets, not exceeding six, to be used only in extinguishing fires.*

The corporation may oblige every house-keeper to keep fire-buckets, not exceeding six.

Passed 18th April, 1795.—Recorded in Law Book No. VI. page 32.

## CHAPTER MDCCCXLIX.

(See vol. 2, page 462.)

*An ACT to authorize the corporation of the city of Philadelphia to prevent the erecting of wooden buildings, in certain parts of the city of Philadelphia.*

WHEREAS it has been represented to the Legislature, that the danger from fire in the city of Philadelphia is considerably increased by the number of wooden buildings erected in the populous parts of the said city, and that the expense is greater of erecting wooden than brick or stone buildings: And whereas it is the duty of the Legislature to strengthen the security of property, whenever the same can be done without violating the rights of private persons:

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the Mayor, Aldermen, and Common Councilmen of the city of Philadelphia, in Common Council assembled, be, and they are hereby authorized and empowered to pass ordinances, to prevent any person or persons from erecting, or causing to be erected, any wooden mansion-house, shop, ware-house, store, carriage-house, or stable, within such part of the city which lies to the eastward of Tenth-street from the river Delaware, as they may judge proper. (x)*

The corporation empowered to prevent the erection of wooden buildings to the eastward of Tenth-street.

Passed 18th April, 1795.—Recorded in Law Book No. VI. page 33.

(x) This act declared to be constitutional, and a city ordinance founded thereon, prescribing a penalty on conviction of the offence, on indictment in the Mayor's Court, is good. Ruled in

the Supreme Court, December, 1799, *Respublica v. Duquet*, (*MSS. Reports.*) And there have been several late convictions for the offence pointed at by this act.

## CHAPTER MDCCCL.

*An ACT to continue in force the act, entitled "An act to reform the penal laws of this state, and for other purposes therein mentioned."*

(See vol. 1, page 131, (chap. 255,) and the notes thereto; and vol. 2, page 531, (chap. 1505,) and the notes thereto.)

WHEREAS an act, entitled "An Act to reform the penal laws of this state," passed the fifth day of April, in the year of our Lord one thousand seven hundred and ninety, will shortly expire by its own limitation: And whereas certain parts of the said act



have, in their operation, evidently diminished the number of crimes, and been highly beneficial in reforming offenders: Therefore, 1795.

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the inspectors of the gaol of the city and county of Philadelphia shall have full power and authority to provide necessaries for every description of persons, who may be confined in the said gaol, and to separate and class the different prisoners in such manner, as they shall judge will best promote the object of their confinement. The inspectors of the gaol empowered to provide necessaries for all prisoners; and to class them.

SECT. II. *And be it further enacted by the authority aforesaid,* That the said inspectors shall have power to direct the cloathing for convicts, and to employ each in such kind of labour as their various circumstances may require: and that so much of the thirteenth section of the act, as directs the description of cloathing for the convicts, that their heads should be shaved, and that they should be kept at labour of the hardest and most servile kind, be, and the same is hereby repealed. The Inspectors empowered to clothe and employ the convicts.

SECT. III. *And be it further enacted by the authority aforesaid,* That the part of the twenty-first section of the said act, which authorizes the Mayor of the said city, on the certificate of two of the said inspectors, to order persons for offences committed in the said gaol to be punished by whipping, or repeated whippings, not exceeding thirteen lashes each, or by close confinement, be, and the same is hereby repealed; and from henceforth the said inspectors may order and direct any convict, who shall commit either of the offences mentioned in the said twenty-first section, to be confined in the cells or dungeon, with bread and water, only, for sustenance, for any period not exceeding ten days for the first offence, nor fifteen days for any subsequent offence. The authority heretofore given to punish convicts by whipping, or close confinement, repealed. Punishment substituted therefor.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the parts of the twenty-second section of the said act, which authorize the Mayor and Aldermen of the said city, and two Justices of the county aforesaid, to appoint and to remove the Keeper of the said gaol, to fix the salary of the Keeper, to approve of the appointment of deputies and assistants, and to ascertain their compensation, and so much thereof as empowers the Mayor to draw for the salary and compensation aforesaid, and to approve of the sureties offered by the Gaoler, be, and the same are hereby repealed; and from henceforth all the power and authority vested by the said twenty-second section in the said Mayor, Aldermen and Justices, or in the said Mayor, shall be exercised exclusively by the said Inspectors. The power to appoint and remove the Keeper of the gaol to fix his salary, and approve of the appointment of his deputies vested in the inspectors.

SECT. V. *And be it further enacted by the authority aforesaid,* That so much of the twenty-second section of the said act, as allows to the Keeper of the said gaol five per centum on the sales of all articles manufactured by the said criminals, be, and the same is hereby repealed. The allowance of five per cent. on the manufactures of convicts to the Keeper, repealed.

SECT. VI. *And be it further enacted by the authority aforesaid,* That this act, and those parts of the act, entitled "An Act to reform the penal laws of this state," not altered, supplied or repealed by this or any other act, shall be and continue in force for the Limitation of the continuance of the penal laws.

1795. term of three years, and from thence to the end of the next session of the General Assembly.

(Since made  
perpetual, by  
chap. 2040,  
post.)

Passed 18th April, 1795.—Recorded in Law Book No. VI. page 22.

## CHAPTER MDCCCLI.

*A SUPPLEMENT to the laws for preventing the exportation of flour not merchantable.*

(See vol. 1,  
page 425,  
523, vol. 2,  
page 11, 12,  
270-1, and  
the notes  
there respec-  
tively.)

Flour  
brought for  
sale, as flour  
of wheat,  
shall be con-  
demned, if  
there is any  
flour of In-  
dian corn  
mixed with  
it; and penal-  
ty thereon.

Appeal to be  
allowed from  
the decision  
of the In-  
spector.

Proceedings  
thereon.

Costs to be  
paid by the  
owner, if the  
decision is  
confirmed.

Otherwise  
by the In-  
spector.

The appeal  
to be prose-  
cuted within  
twenty days.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* all flour or middlings which shall be brought to any port or place within this state for sale, as and for the flour of wheat, which shall be found, upon examination made by the Inspector of flour, or his deputy, to be or contain a mixture of the flour of Indian corn with flour of wheat, shall be condemned, and the person or persons offering the same for sale shall be adjudged to pay three dollars for each and every cask so condemned, one fourth to the use of the Inspector, and the other three fourths to the use of the poor of the city, township or place, where the owner or owners shall reside, if in the state of Pennsylvania; but if they do not reside in the state, it shall be paid to the Managers of the Pennsylvania Hospital, for the use of that institution: and the flour so condemned shall not be exported, under all and every the penalties and forfeitures provided by law against the exportation of flour condemned as not merchantable: *Provided always, That* if the owner, possessor or consignee of any flour or middlings, which shall be adjudged to be condemned by the Inspector of flour, agreeably to the terms of this act, shall believe himself aggrieved thereby, it shall and may be lawful for the said owner, possessor or consignee, to make an appeal from the decision of the said Inspector to any Magistrate of the city, county or place, where such forfeiture has been made, who shall thereupon issue his warrant to three judicious disinterested persons, one thereof to be named by himself, one other by the Inspector, and the other by the owner or consignee of the flour, directing them carefully to examine such flour or middlings, and forthwith make report to him touching the mixture of the same; and if they, or any two of them, shall report that the same is or doth contain a mixture of flour of Indian corn with the flour of wheat, the said Magistrate shall confirm the judgment of the Inspector, and the party appealing shall pay all costs and charges accruing from such appeal; and if the three triers appointed as aforesaid shall find and report that the same is unmixed flour of wheat, the said magistrate shall adjudge the same to be restored to its original situation, and all costs and charges accruing shall be paid by the Inspector, who condemned the same; but no appeal from the judgment of the Inspector shall be made, unless the same is prosecuted within twenty days after condemnation of any parcel or parcels of flour or middlings by virtue of this act.



SECT. II. *And be it further enacted by the authority aforesaid, 1795.*  
 That all penalties herein mentioned shall be recovered, in manner and form, as is directed by the act, entitled "An act to prevent the exportation of bread and flour not merchantable, and for repealing at a certain time all laws heretofore made for that purpose."

How the penalties shall be recovered.

Passed 17th April, 1795.—Recorded in Law Book No. V. page 486. (y)

(y) See act of 13th Feb'y, 1811, respecting the package of flour of rye and Indian corn.

## CHAPTER MDCCCLII.

### *An ACT establishing an explicit fee-bill.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the fees of the several officers throughout this commonwealth shall, from and after the first day of October next, be as herein after is ascertained, limited and appointed, viz.

Fees of public officers regulated.

That the fees to be received by the Secretary of the commonwealth, for the use of the commonwealth, shall be as follow, viz.

For every marriage licence, one dollar; pedlar's licence to travel with one horse, ten dollars; pedlar's licence to travel without a horse, four dollars; certificate with the great seal, one dollar; certificate with the less seal, sixty-seven cents; ditto without a seal, thirty-three cents; filing a petition and making order thereon, twenty-six cents; pardon with the great seal, twenty cents; pardon with the less seal, ten cents; taking a bond from a public officer, sixty-seven cents; recognizance, thirty-three cents; commission of the Comptroller-General, Register-General, Land-Officers, Auctioneers, Inspectors of lumber, salt provisions, Health-Officer, Measurers of corn and salt, Superintendent of the gun-powder magazine, and Sealer of dry measures, each, including the great seal, one dollar and eighty-seven cents; for commission to a Prothonotary, Clerk of Oyer and Terminer, of Quarter Sessions, and Orphans' Court, Register of wills and Recorder of deeds, Master of the Rolls, Notary Public, to the Sheriff of the county, writ of assistance to a Coroner, each, including the great seal, two dollars; every search, thirteen cents; copies from record, per line of twelve words, one cent.

Of the Secretary of the commonwealth.

That the fees to be received by the Attorney-General shall be as follow, viz.

For drawing and prosecuting every bill of indictment in the Courts of Oyer and Terminer, to be paid by the party prosecuted, if possessed of property sufficient to pay the same, six dollars; if a bill is found by the grand jury, and the party prosecuted has not property sufficient to pay the same, then to be paid by the county, two dollars; drawing and prosecuting every bill of indictment in the General Quarter Sessions of the Peace, to be paid by the party prosecuted, if the bill be found by the Grand Jury, and if possessed

Of the Attorney-General.

1795. of property sufficient to pay the same, two dollars and forty cents ; if the bill be found by the Grand Jury, and the party not possessed of property sufficient to pay the same, then to be paid by the county, two dollars and forty cents.

The fees to be received by the Attornies at Law in the Courts of Common Pleas shall be as follow, viz.

Of Attornies  
in the Com-  
mon Pleas.

For issuing precipe for the commencement of any suit, entering an appearance on the Prothonotary's docket, and filing warrant of Attorney, if required, if the suit is ended before or during the sitting of the first court, one dollar and sixty-seven cents ; every suit ended after the first court, and before judgment, discontinuance, or non pross, the further sum of one dollar and sixty-six cents ; every suit prosecuted to judgment, discontinuance, or non pross, four dollars ; on appeals from the judgment of the Justices of the Peace in every suit where an Attorney is employed, if settled before or during the sitting of the first court, he shall be entitled to receive one dollar and thirty-three cents ; if settled after the first court, and before judgment, two dollars ; if judgment is rendered, non-suit or discontinuance is obtained, three dollars. The fees to be received by the Attornies at Law in the Supreme Court shall be double the amount of those in the Courts of Common Pleas.

The fees to be received by the Secretary of the Land-Office, for the use of the commonwealth, shall be as follow, viz.

Of the Secre-  
tary of the  
Land-Office.

For receiving and registering any application for land, and recording or entering warrant, forty cents ; for every ticket to the Receiver-General for the payment of the consideration money, and to the Surveyor-General to examine if the land applied for be clear of prior claims or surveys, and for all other examinations before a warrant be granted, and for the said warrant, one dollar and seven cents ; acceptance of the Surveyor-General's return, examining the same, warrants for the great seal, entry of the patent, lodging it in the office of the Master of the Rolls, and for the patent on parchment, two dollars and fifty-three cents ; every office copy furnished, for every line thereof containing twelve words, one cent ; attesting every such copy, and for seal, thirty-three cents ; every caveat, forty-seven cents ; every citation, twenty cents ; every copy of judgment of the Board of Property, one dollar ; every recital, twenty cents ; every search, twenty cents ; great seal, eighty cents ; less seal, forty cents.

[The fees to be received by the Receiver-General, for the use of the commonwealth, shall be as follow, viz.

Of the Re-  
ceiver-Ge-  
neral.

[Repealed.]

For every search, if found, twenty cents ; every search, if not found, ten cents ; receiving and entering in the books monies paid on account, thirty-three cents ; for every copy, each line containing twelve words, one cent ; the office seal and certificate, thirty-three cents ; final settlement, calculation, and receiving the money, two dollars and thirty-three cents ; certificate thereof, thirty-three cents.]

[The fees to be received by the Surveyor-General, for the use of the commonwealth, shall be as follow, viz.

Of the Sur-  
veyor-Ge-  
neral.  
(Repealed  
5th April,

For registering and filing every warrant, and copy thereof, directed to the Deputy Surveyor, one dollar ; every search, if found, twenty cents ; every search, if not found, ten cents ; attested copy



and seal, thirty-three cents; return into the Secretary's office, two dollars.] 1793.

The fees to be received by the Master of the Rolls, and the Recorders of Deeds in the several counties, shall be as follow, viz. 1799, and supplied, chap. 2053.)

For recording and exemplifying deeds and all other writings, for every twelve words, one cent; seal of office, twenty cents; enrolling patents, seal of office included, one dollar; every search, thirteen cents; entering satisfaction, together with the certificate thereof, twenty cents. Of the Master of the Rolls and Recorders of Deeds.

That the fees to be received by the Prothonotary of the Supreme Court shall be as follow, viz.

For issuing a writ of *capias ad respondendum*, of summons, of *scire facias*, of attachment, of partition, of dower, and all other writs, docketing the same, and recording Sheriff's return, one dollar and eighty cents; for entering the personal appearance of the plaintiff or defendant, or the appearance of an Attorney for either party, thirteen cents; entering special bail, fifty cents; bail piece and seal, fifty cents; filing declaration, plea, demurrer, joinder in demurrer, replication, and every other subsequent plea and issue, and entering the same upon record, each thirteen cents; filing all other papers of each party in any one cause, and reading the same, if thought necessary by the Court, each twenty cents; every continuance of a cause from term to term, thirteen cents; every rule of reference for trial, to show cause, to take depositions, to give security for costs for persons out of the state, seventeen cents; a copy of the same, if demanded, thirty-three cents; entering a discontinuance, *retraxit*, or quashing a writ of error, thirteen cents; every trial, swearing jury, and recording a general verdict, sixty-seven cents; every trial, where there is a special verdict, swearing jury, and recording such verdict, one dollar; swearing or affirming each witness, five cents; recording each judgment, twenty cents; entering arrest of judgment, thirteen cents; acknowledging satisfaction on record, twenty-five cents; for filing and entering on record the report of referees, twenty-five cents; entering judgment thereon, thirteen cents; issuing subpœna for a witness, with seal, fifty cents; every name inserted after the first, ten cents; every subpœna ticket, if issued, twenty-five cents; every copy of declaration or other pleadings, if demanded, for every line containing twelve words, one cent; drawing list of special jury, attending and striking, and copies of the jury list to plaintiff and defendant, one dollar; filing declaration in ejectment, and docketing the cause, fifty cents; entering confession of lease, entry and ouster, thirteen cents; entering on record every motion or rule, thirteen cents; calling plaintiff or defendant, and entering default in his appearance, twenty-six cents; a *casset executio* entered on record, thirteen cents; a *venire* or *distringas*, one dollar; making up the *Nisi Prius* record, containing the declaration, pleadings and issue, together with the proceedings of the Inferior Court, if the action was removed, for every line containing twelve words, one cent; *postea*, containing the proceedings at *Nisi Prius*, one dollar and thirty-three cents; every search of record, twenty cents; a copy of the record, for every line containing twelve words, one cent; for every certificate and seal, sixty-seven cents; issuing a commission to take depositions of witnesses out of the Of the Prothonotary of the Supreme Court.

1795.

state, one dollar and fifty cents; filing interrogatories, and a copy of the same annexed to the commission, for every line containing twelve words, one cent; receiving, reading and filing a petition for the obtaining a divorce, docketing the same, and for filing and reading a record of conviction, and all other papers in such suit, two dollars and thirty-three cents; issuing a subpoena pursuant to the said petition, one dollar and fifty cents; entering the decree or judgment of court, thirteen cents; taking and entering acknowledgment of Sheriff's deed, and recording certificate of the acknowledgment thereof, under seal, one dollar and fifty cents; all services in entering up a judgment confessed on warrant of an attorney, one dollar and fifty cents; making up the record in regular form, and engrossing the same, if required, containing all the pleadings, proceedings and judgment in an action, or in the case of a divorce, or bill for perpetuating testimony, for every line of twelve words, one cent.

That the fees to be received by the clerk of the courts of Oyer and Terminer shall be as follow, viz.

Of the clerk  
of the  
Courts of  
Oyer and  
Terminer.

For all services performed in any one prosecution, to be paid by the party, if possessed of property sufficient, four dollars; if not convicted, or if convicted, and not possessed of property sufficient, and to be paid by the county, two dollars.

That the fees to be received by the Prothonotary of the courts of Common Pleas shall be as follow, viz.

Of the pro-  
thonotary of  
the Court of  
Common  
Pleas.

For issuing levavi facias and venditioni exponas, one dollar and twenty cents, for issuing every other writ, either original or judicial, of whatsoever kind, docketing the same, and recording Sheriff's return, one-dollar; entering the personal appearance of the plaintiff or defendant, or the appearance of an attorney for either party, seven cents; entering oyer and imparlance, general or special, seven cents; entering special bail, twenty cents; bail piece under seal, thirty-three cents; entering surrender, ten cents; entering an exonerator, ten cents; filing declaration, plea, demurrer, joinder in demurrer; replication, and every other subsequent plea and issue, and entering the same upon record, each seven cents; for filing reasons in arrest of judgment, and exceptions to report of referees, six cents; for filing all other papers of each party in any one cause, and reading the same, if thought necessary by the court, twenty cents; every continuance of a cause from term to term, seven cents; every rule of reference for trial, to shew cause, to take depositions, to give security for costs for persons out of the state, thirteen cents; a copy of a rule, if demanded, under seal, thirty-three cents; entering a discontinuance, retraxit, or non-suit, seven cents; entering a writ quashed, seven cents; every trial, swearing or affirming jury and constable attending jury, and recording a general verdict, fifty cents; swearing each witness, five cents: every trial, where there is a special verdict and constable attending jury, and recording such verdict, sixty-seven cents; recording each judgment, thirteen cents; entering arrest of judgment, thirteen cents; acknowledging satisfaction on record, thirteen cents; filing and entering on record the report of referees, twenty cents; entering judgment thereon, thirteen cents; issuing subpoena for a witness,



and seal, thirty-three cents; every name inserted after the first, three cents; every subpoena ticket, if issued, ten cents; every copy of declaration or other pleadings, if demanded, for every line containing twelve words, one cent; for drawing list of special jury, attending and striking, and copies of the jury list to plaintiff and defendant, sixty-seven cents; filing declaration in ejectment, and docketing the cause, thirty-three cents; entering confession of lease, entry and ouster, ten cents; entering on record every motion, seven cents; calling plaintiff or defendant, and entering default in his appearance, twenty cents; a cesset executio entered on record, ten cents; every search of record, thirteen cents; a copy of the record, for every line containing twelve words, one cent; every certificate and seal, thirty-three cents; issuing a commission to take the depositions of witnesses out of the state, one dollar; filing interrogatories, thirteen cents; a copy of the interrogatories annexed to the commission, for every line containing twelve words, one cent; taking and entering acknowledgment of Sheriff's deed, and recording certificate of the acknowledgment thereof, under seal, one dollar; entering up a judgment confessed on warrant of attorney, including all services, one dollar and twenty cents; entering an amicable suit, twenty-six cents; filing petition of insolvent debtor, and recording order and all proceedings on the same, one dollar; issuing certiorari to remove Justices proceedings, fifty three cents.

That the fees to be received by the clerk of the Quarter Sessions shall be as follow, viz.

For filing every recognizance taken out of the court by any Judge or Justice of the Peace, and entering the same on record, twenty-five cents; calling any recognizance and entering forfeiture, ten cents; respiting recognizance, ten cents; discharging forfeited recognizance, ten cents; stating on sessions docket every indictment found by the Grand Jury, with the species of offence, thirty-three cents; entering a discharge by proclamation, thirteen cents; each recognizance, thirteen cents; entering plea not guilty, thirteen cents; any special plea or demurrer, twenty cents; entering plea guilty, and submission, thirteen cents; retracting plea, seven cents; entering noli prosequi, thirteen cents; calling jury, and attesting them, twenty-six cents; attesting each witness, five cents; entering verdict and judgment, thirteen cents; entering arrest of judgment thirteen cents; every motion and rule entered on record, in any stage of the prosecution, seven cents; entering process awarded, issuing process, taking Sheriff's return, and recording the same, sixty-seven cents; for issuing every subpoena for a witness to testify, with ticket, thirty-three cents; every name inserted after the first, three cents; reading filing and entering any petition, and the order which the court may make thereon, twenty-five cents; a copy of an order directed to viewers to view a road, for every line of twelve words, one cent; seal, seven cents; reading and entering the return of a road, and recording the same, for every line of twelve words, one cent; an order to Supervisors to open a road, under seal, sixty-seven cents; the performance of all duties of the Clerk of the Sessions incident to tavern licences, for each licence, one dollar; copy of any record, if demanded, for every line containing twelve words, one cent.

Of the clerk  
of the Quar-  
ter Sessions.

1795.

Of the Jus-  
tices of the  
Peace.

That the fees to be received by the Justices of the Peace shall be as follow, viz.

For writing, signing and sealing a warrant, on behalf of the commonwealth, fifteen cents; every recognizance to appear at the General Quarter Sessions of the Peace, entered upon record, and copy transmitted to the Clerk of the Sessions, twenty cents; every summons or capias for debt, ten cents; every subpoena for a witness, ten cents; for every name inserted after the first, three cents; entering every judgment for debt, where a trial is had between the parties, twenty cents; every judgment by the confession of the defendant, ten cents; every execution twenty cents; a certified copy of all proceedings had on a removal by certiorari, or on appeal, thirty-three cents; writing, signing and sealing every attachment, thirteen cents; entering every rule of reference on docket, ten cents; a copy thereof to either of the parties, ten cents; every recognizance of bail in a civil suit, and entry thereof on docket, thirteen cents; issuing every bail piece, thirteen cents; swearing or affirming each witness in any suit or trial, seven cents; administering an oath or affirmation, where a deposition is ready written, and signing the same, seven cents; if the deposition is written by the Justice, for every line containing twelve words, one cent; a notice to master, mistress or apprentice, thirteen cents; the acknowledgment of a deed, or probate, twenty-six cents; the acknowledgment of a power of attorney, twenty-six cents; order for removing a pauper, one dollar; an order for relieving a pauper, twenty-five cents; issuing scire facias against special bail, twenty cents; issuing scire facias to revive judgment post annum et diem, twenty cents; comparing the county and road duplicates, or that of the overseers of the poor, twenty-six cents; order to appraise damages in trespass, twenty cents; warrant to two freeholders to appraise swine taken up trespassing, making record of valuation, and advertising the same, thirty-three cents; warrant to appraise damages done by other cattle trespassing, twenty-six cents; for certificate to take up vacant land, ten cents; publishing the bans of marriage, sixty-seven cents; removal of a forcible entry and detainer, each day necessarily spent in that business, eighty-eight cents; holding inquisition under the act respecting landlord and tenant, one dollar; every order for wolf's or fox's scalp, thirteen cents.

That the fees to be received by the Sheriff of each county shall be as follow, viz.

Of the Sher-  
iff of each  
county.

Serving every writ of arrest, and taking into custody, with commitment or bail bond, and returning the same, if not more than one defendant, one dollar and twenty cents; for every defendant besides one, fifty cents; the assignment of every bail bond, thirteen cents; serving a summons in debt, copy of a declaration in ejectment, or copy of any other process, if not more than one defendant, one dollar; every defendant besides one, fifty cents; serving every scire facias, one dollar and twenty cents; taking replevin bond, attachment bond, or any writing of indemnification, and filing the same, thirty-three cents; travelling expenses, each mile, four cents; executing fieri facias, if money paid without sale, one dollar and twenty cents; taking goods into custody, advertising and selling



the same, per pound, if not exceeding one hundred, seven cents; for every pound above one hundred, four cents; for keeping goods or chattels, fees to be regulated by the court in case of a dispute for selling lands levied upon, or delivering them to the creditor, and making return, for every pound not exceeding one hundred pounds, seven cents; for every pound above one hundred, four cents; no poundage shall be paid for more than the real debt in the execution; summoning and returning a traverse jury, in each cause that is tried, forty cents; summoning and returning a struck and special jury, to be paid by the party putting off or losing the cause, two dollars; summoning a jury of enquiry, attesting and charging the same, taking and executing inquisition and return, three dollars, executing all writs and orders of partition or valuation, making return thereto, and attesting jury, three dollars and thirty-three cents. If Sheriff is engaged more than one day on a partition or enquiry, for each day's attendance after, two dollars; summoning party to appear on partitions, or on summons of landlord against tenant, each seventy-five cents; poundage and commissions for receiving and paying money under attachment, *capias ad satisfaciendum*, or notice from landlord to recover rents, for every sum not exceeding one hundred pounds, seven cents per pound, and for every pound above one hundred, four cents, and no more; but no poundage shall be paid for more than the real debt in the execution; for turnkey's fees, to be paid for every commitment for any offence or criminal matter, on the discharge of the prisoner, sixty-seven cents; every Sheriff's deed on sale of lands, two dollars and sixty-seven cents; acknowledging the same, sixty-seven cents; every criminal cause, one dollar and thirty-three cents; every capital cause, including the committitur, three dollars and thirty-three cents; levying fines, forfeitures and penalties, *estreated* and paid to the Treasurer, seven cents per pound, to be allowed by the Treasurer out of the same; making proclamation on a divorce, two dollars; serving witness with a subpoena to testify, twenty cents; copy of any writ of arrest, if demanded, for each line of twelve words, two cents; turnkey's fees to be paid on the discharge of a prisoner where the debt is above twenty pounds, fifty cents; if under twenty pounds, only thirty-three cents; serving every process on indictment, one dollar and twenty cents; serving every citation issuing from Orphans' or Register's Court, and return, sixty-seven cents; serving every attachment, one dollar and twenty cents; executing every *haberi facias possessionem*, one dollar and twenty cents; executing every writ of *retorno habendo*, one dollar and twenty cents; executing every writ of *levari facias*, one dollar and twenty cents; executing every writ of *liberari facias*, one dollar and twenty cents; every return of *non est inventus*, twenty-five cents; for every return of *nulla bona*, twenty-five cents; executing every death warrant, twelve dollars; to the Cryer, for every action called in court, ten cents.

Fees to be paid to juries, viz.

On every verdict in court, to each juror, to be charged to the party losing the action, thirteen cents; on every inquisition on real estate, to each juror, to be charged in bill of costs, twenty-six cents; on every inquisition of damages, to each juror, to be charged in bill of Juries.

1795. of costs, twenty-six cents; each day's attendance on a view, or for any other service in the county, per day, to be charged in bill of costs, fifty cents.

Of Witnesses.

That the fees to be received by witnesses shall be as follow, viz.

For each day's travelling to and from, and attendance at court, fifty cents; for each day's travelling to and from, and attendance before a Justice of the Peace, twenty-five cents.

That the fees to be received by the Clerk of the Orphans' Court shall be as follow, viz.

Of the Clerk of the Orphans' Court.

For reading and filing every petition or report, thirteen cents; for entering every petition or report on record, twenty-five cents; entering every judgment, order, or rule of court, twenty cents; seal and certificate annexed to any copies, for the use of the party, thirty-three cents; for a copy of the record, for each line of twelve words, one cent; every citation with the seal of office, thirty-three cents; every subpoena with one name, thirty-three cents; every name after the first, four cents; every search, ten cents; making entry of the appointment of guardians, twenty-five cents; for a copy thereof, with certificate and seal, thirty-three cents; entry of settlement of the accounts of an executor or administrator, fifty cents; for every copy of the said accounts, not exceeding one hundred items, with certificate and the seal of office, one dollar and twenty-five cents; for every additional item, one cent; reading a petition for a pension, order thereupon, with copy, seal and certificate, fifty cents; reading and filing a petition of administrators for the sale of intestate lands, swearing or affirming them to the truth of the statement made, and making the necessary orders thereon, sixty-seven cents; giving notice of sale of lands, for every advertisement thought necessary by the court, twenty-five cents; reading and filing every petition for partition or valuation of intestates' lands, and entering every order, matter and thing pertaining to the same, two dollars: *Provided always, and be it enacted by the authority aforesaid, That the Clerks of the Orphans' Courts in every county within this state shall, and they are hereby enjoined to provide good large books of royal or other large paper, well bound and covered, wherein they shall record, in a fair and legible hand, all the proceedings of the said Orphans' Courts held within the said counties respectively, together with exact drafts of the lands divided by order of the said court.*

The fees to be received by the Register of wills:

Of the Register of Wills.

For the probate of a will, sixty-seven cents; registering the same, each line containing twelve words, one cent; every bond taken of executors or administrators, and entering the same on record, one dollar; filing and entering on record the renunciation of an executor or administrator, twenty-six cents; for granting letters of administration, seventy-five cents; annexing will, for each line of twelve words, one cent; issuing a citation, twenty-six cents; entering a caveat, twenty cents; administering every oath or affirmation, seven cents; filing a list of the articles appraised, thirteen cents; filing a list of the articles sold at vendue, thirteen cents; for examining, passing and filing the account of an executor or administrator, one dollar and fifty cents; for every copy, if demanded, of said account, not exceeding one hundred items, with certificate and seal of office, one dollar; for every additional item, one cent.



The fees to be received by the Constables shall be as follow, viz. 1795.

For levying a warrant or serving a summons, thirteen cents; travelling expenses, each mile, three cents; serving every attachment, twenty-six cents; serving an execution for a debt, twenty cents; selling goods taken in execution, every pound of money made, thirteen cents; summoning every witness, ten cents; conveying any person to gaol on mittimus, twenty-five cents.

Of the  
Constables.

Fees to be received by the Coroner of each county shall be as follow, viz.

Viewing a dead body, two dollars and sixty-seven cents; summoning and qualifying the inquest, drawing and returning the inquisition, one dollar and thirty-three cents; summoning and qualifying each witness, besides mileage to the place where the body is viewed, twenty cents, to be paid out of the goods, chattels, lands or tenements of the slayer (in case of murder or manslaughter,) if any he hath, otherwise by the county, with mileage from the court-house to the place of viewing the body; for executing any process or writs of any kind, the same fees as are allowed to the Sheriff, and the same mileage.

Of the  
Coroner.

That the fees to be received by the Notaries Public shall be as follow, viz.

For protest of a bill of exchange for non-acceptance or non-payment, and registering, seal, and so forth, one dollar; attestation to a letter of attorney under seal, thirty-three cents; notarial affidavit to an account under seal, twenty-six cents; drawing and attesting apprentice indentures, forty cents; registering a foreign sea protest, one dollar; registering a copy of each protest, thirteen cents; registering a foreign bill of exchange protested, with certificate, forty cents; for registering the protest of a bill of exchange or promissory note for non-acceptance or non-payment, thirty-three cents; entering or noting a sea protest, to be deducted from the legal charge for the protest, if extended, one dollar; noting a bill of exchange, note, or thing properly protestable, either for non-acceptance or non-payment, thirty-three cents; drawing or taking the proof or acknowledgment of a bill of sale, bottomry, mortgage, or hypothecation of a vessel, or charter-party, seventy-five cents; certifying power of attorney for transferring or selling stock or other securities, twenty-five cents; drawing affidavit before a Justice, and certifying, one dollar; each oath or affirmation, twenty cents; notarial procuration under seal, sixty-seven cents; letter of attorney for transferring stock or other securities, and certifying the same, fifty cents; drawing or taking acknowledgement or proof of substitution to a letter of attorney, one dollar; being present at a demand, tender or deposit of any matter or thing, and noting the same, one dollar; certificates of copies or papers ready made, sixty cents; comparing the same, for every hundred words, seven cents; certificates of sales at auction, fifty cents; taking the proof of debts for the purpose of being sent abroad, also the proof and acknowledgment of letters of attorney and institution, for receiving and transferring the different kind of public securities, for each, fifty cents.

Of Notaries  
Public.

That the fees to be received by the Mayor of the city of Philadelphia shall be as follow, viz.

1795.

For taking the probate or acknowledgment of writing to be sent out of the state, sixty-seven cents.

Of the  
Mayor.

That the fees to be received by the Recorder of the city of Philadelphia shall be as follow, viz.

Of the Re-  
corder.

For affixing the city seal to writings, which have been proved or acknowledged before the Mayor, for which service his fiat is given, sixty-seven cents.

Of the In-  
spector of  
salt provi-  
sions.

That the fees to be received by the Inspector of salt provisions shall be as follow, viz.

For inspecting and brandingsalted provisions for the port of Philadelphia, per barrel, ten cents.

That the fees to be received by the Inspector and Measurer of lumber shall be as follow, viz.

Of the In-  
spector and  
Measurer of  
lumber.

For inspecting and examining boards and plank according to the superficial measure, for every thousand feet, thirty-three cents ; other timber reduced to cubical feet, for every ton (consisting of cubical feet,) one half to be paid by the buyer, and the other by the seller, thirteen cents ; inspecting and culling the first and second kind of shingles, per thousand, twenty cents ; the third kind, thirteen cents ; inspecting and culling pipe staves and hogshead heading, per thousand, sixty-seven cents ; all other kind of staves and heading, per thousand, fifty cents.

A table of  
fees to be set  
up in the  
respective  
offices.

SECT. II. *And be it further enacted by the authority aforesaid,* That all and every the respective officers, whose fees are herein before respectively ascertained, limited and appointed, shall and are hereby required to make fair tables of their fees respectively, according to this act, and to publish and set up the same in their respective offices, within six months after the passing of this act, in some conspicuous part, for the inspection of all persons who have business in said offices, on pain of forfeiting, for each day the same shall be missing through said officer's neglect, the sum of ten dollars, which penalty may be recovered in any court of Record, by action of debt, one half to the informer, and the other half to the commonwealth.

Penalty on  
neglect or  
refusal.

Penalty on  
taking great-  
er fees, or  
fees for bu-  
siness not  
performed.

SECT. III. *And be it further enacted by the authority aforesaid,* That if any officer whatsoever shall take greater fees than is herein before expressed and limited, for any service to be done by him after the first day of October next in his office, or if any officer shall charge, or demand and take any of the fees herein before ascertained, where the business for which such fees is chargeable shall not have been actually done and performed, such officer, for every such offence, shall on conviction thereof before any Court of Record for the proper county, forfeit and pay to the party injured fifty dollars.

Payment of  
fees may be  
refused,  
without a  
bill and re-  
ceipt there-  
for.

SECT. IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person to refuse payment of fees to any officer, who will not make out a bill of particulars, signed by him, if required, and also a receipt or discharge, signed by him, of the fees paid.

Former laws  
establishing

SECT. V. *And be it further enacted by the authority aforesaid,* That from and after the first day of October next, the several laws



of this commonwealth for regulating and establishing fees shall be, 1795. and the same are hereby repealed.

Passed 20th April, 1795.—Recorded in Law Book No. VI. page 9. (z)

fees repealed.

(z) By act of 16th March, 1798, (chap. 1967,) the Inspector of staves and heading shall receive from the exporter, for every customary thousand, thirteen cents in addition to his former fees.—To continue for two years; but made perpetual, by act of 15th March, 1800, (chap. 2125).—25 cents, by act of 20th March, 1810.

Fees of Inspector of flour—act of 16th March, 1798, (chap. 1964,) and act of 15th March, 1800, (chap. 2133.)

Fees of Surveyor-General's office regulated by act of 8th April, 1799, (chap. 2053.)

Sheriff to give a bill of particulars of his fees, and a receipt on payment thereof, whether demanded or not, and penalty on failing so to do, &c.—Act of 28th March, 1803, (chap. 2355.)

Mode of proceeding to recover the office fees due on patents and warrants, remaining in the office of the Secretary of the Land-Office.—Act of 29th March, 1803, (chap. 2359.)

Fees on issuing land warrants to be four dollars and fifty cents. Fees to be paid into the treasury, accruing from the duties formerly annexed to the Rolls-office, and other fees, by the Secretary of the commonwealth, &c. Ten dollars fees to be received on each and every patent.—Act of 29th March, 1809.

By act of 25th December, 1809, no fee shall be received in the Surveyor-General's office for filing and directing a warrant, and the whole amount of money to be paid on issuing, filing and directing a warrant, shall be four dollars and fifty cents. But this act not to affect the payment of the surveying fees directed to be paid by certain Connecticut settlers.

For the alteration in the fees in criminal prosecutions, see notes to penal laws.

And see the General Index, titles, "Fees," "Costs."

## CHAPTER MDCCCLIII.

*An ACT to provide for the payment of clerks in the offices of the Surveyor-General, Receiver-General, and Secretary of the Land-Office, and for other purposes therein mentioned.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the following annual allowance shall be made to the public officers hereafter mentioned, for the purpose of employing clerks, in their respective offices, to wit; to the Surveyor-General, the sum of twenty hundred dollars; to the Secretary of the Land-Office, the sum of sixteen hundred dollars; to the Receiver-General of the Land-Office, the sum of sixteen hundred dollars; which sums of money shall be accounted for by the respective officers aforesaid on the first day of January, annually, with the Comptroller-General and Register-General; and if any part of either of the said sums should not be expended in employing clerks, the same shall be paid into the treasury of the state.

Allowance for clerk-hire in the Land-Office.

[SECT. II. *And be it further enacted by the authority aforesaid,* That besides the allowances made by the preceding section of this act, the Governor is hereby vested with a discretionary power, on application of either of the officers before mentioned, to authorize the employment of additional clerks, whenever the business of the said offices requires it; provided the expense does not exceed the sum of two thousand five hundred dollars in any one year.]

Additional allowances may be made, not exceeding a certain sum.

1795.

A register of applications for patents to be kept by the Surveyor-General.

The patents to issue according to the priority of application;

except in case of persons residing at a distance.

Penalty on clerks taking fees for business in the Land-Office.

Former allowances to clerks rescinded.

Limitation of the second section.

SECT. III. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, it shall be the duty of the Surveyor-General to cause to be entered, in a book to be kept for that purpose, the name of each person applying for a patent or patents, the number of patents applied for by him, and the time when such application is made, which book shall be open to the inspection of any person applying to view the same; and the Surveyor-General, Receiver-General, and Secretary of the Land-Office, are hereby enjoined to cause the said patents to be made out, and the business thereof completed, as it respects their respective offices, agreeably to the priority of applications for the same, without respect to persons, unless the issuing of such patent is stayed by caveat being entered against the title of the person applying for the same, or other legal objections: *Provided always,* That if any citizen of this commonwealth, who shall reside at any distance not less than one hundred miles from the city of Philadelphia, shall apply for any number of patents, not exceeding three, he shall be entitled to a preference, but that preference shall not be granted twice to the same person.

SECT. IV. *And be it further enacted by the authority aforesaid,* That if any person employed as a clerk, in either of the offices aforesaid, shall take or receive any fee, gratuity, or sum of money whatever, for doing or transacting any business relating to the said office, whether in either of the said offices, or any other place, such persons shall, on conviction, forfeit and pay the sum of one hundred dollars for every such offence, to be recovered by action of debt, one half of which shall be for the benefit of the informer, and the remainder to the use of this commonwealth; and the person so offending shall not be permitted to serve as a clerk in either of the offices aforesaid.

SECT. V. *And be it further enacted by the authority aforesaid,* That so much of any former laws, as appropriates money for the purpose of employing clerks in either of the offices aforesaid, shall be void, and also so much of any other law as is altered or amended by this act.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the second section in this act shall continue in force one year from and after the passing of the same, and no longer.

Passed 20th April, 1795.—Recorded in Law Book No. VI. page 24.



# A C T S

OF THE

## General Assembly of Pennsylvania.

Passed during the sixth General Assembly, which commenced the 1st of December, 1795, and ended 4th April, 1796.

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THOMAS MIFFLIN, GOVERNOR.  
ROBERT HARE, SPEAKER OF THE SENATE.  
GEORGE LATIMER, SPEAKER OF THE HOUSE OF  
REPRESENTATIVES.

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1796.

### CHAPTER MDCCCLVIII.

*An ACT ceding to the United States of America two certain out lots of the town of Franklin, at the mouth of French creek, in the county of Allegheny.* [See chap. 1845, ante. pa. 233.]

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That two certain contiguous out lots of the town of Franklin, at the mouth of French creek, in the county of Allegheny, viz. number twenty-seven, containing one acre and fifty-four perches, and number thirty, containing one acre and fifty-seven perches, shall be, and hereby are, ceded to and vested in the United States of America, for their accommodation and use in erecting forts and magazines, and such other improvements thereon, as they may judge proper to make for their convenience; and it shall and may be lawful for the said United States to possess, occupy and hold the said two out lots, so long as they shall deem it expedient to maintain, and shall actually maintain, a fort, garrison, or other military establishment, on the hereby ceded premises, and no longer: Provided, and it is the express intent and meaning of this act, that nothing herein contained shall be deemed, construed, or in any wise taken, to cede and transfer unto the said United States the jurisdiction, or right of soil, in*

Cession of two out lots, contiguous to the town of Franklin, to the United States.

Reservation of the jurisdiction and right of soil.

1796. and to the said two out-lots, but only the occupancy and use thereof, for the purposes aforesaid.

Passed 1st February, 1796.—Recorded in Law Book No. VI. page 61.

## CHAPTER MDCCCLIX.

*An ACT to erect part of Washington county into a separate county.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* all that part of Washington county, lying within the limits and bounds herein after described, shall be, and is hereby erected into a separate county, that is to say; beginning at the mouth of Ten Mile creek, on the Monongahela river; thence up Ten Mile creek to the junction of the north and south forks of said creek; thence up said north fork to Colonel William Wallace's mills; thence up a southwesterly direction to the nearest part of the dividing ridge between the north and south forks of Ten Mile creek; thence along the top of the said ridge to the ridge which divides the waters of Ten Mile and Wheeling creeks; thence a straight line to the head of Enlow's Branch of the Wheeling; thence down said branch to the western boundary line of the state; thence south along the said line to the southern boundary line of the state; thence east along said line to the river Monongahela; and thence down the said river to the place of beginning; to be henceforth known and called by the name of Greene county.

The county of Greene erected, and its boundaries described.

SECT. II. *And be it further enacted by the authority aforesaid, That* the inhabitants of the said county of Greene be entitled to, and shall at all times hereafter have, all and singular the courts, jurisdictions, officers, rights and privileges, to which the inhabitants of other counties of this state are entitled by the constitution and laws of this state.

The rights and privileges of the inhabitants of the new county the same as in other counties.

Justices of the Peace to be appointed.

(Supplied.)

[SECT. III. *And be it further enacted by the authority aforesaid, That* a number of proper persons, not fewer than three, nor more than four, shall be appointed and commissioned Judges of the Courts of Common Pleas in and for the said county of Greene; and that Courts of Common Pleas and General Quarter Sessions of the Peace, to be holden in and for said county of Greene, shall be opened on the Monday next following the County Court of Fayette, which shall be held in December next, and then the said courts shall be holden each and every succeeding term on the Mondays following the County Courts of Fayette county; and the said Courts of Quarter Sessions shall sit three days at each session, if there be occasion, and no longer, and shall be held at the house now occupied by Jacob Kline, on Muddy creek, until a court-house shall be built and erected, as herein after directed, in the county aforesaid; and the said several courts shall then be holden and kept at the said court-house, on the days before mentioned.]

When and where the County Courts shall be held.

Of process now depend-

SECT. IV. *And be it further enacted by the authority aforesaid, That* no suit or prosecution, which has been heretofore commenced, or



which shall be commenced in the courts of the county of Washington, before the month of December next, shall be delayed, discontinued, and affected by this act, but the same shall proceed to judgment, and execution shall be issued and done of all such judgments by the Sheriff and Coroner of Washington county, as if this act had not been made. 1796.

ing in the courts.

SECT. v. *And be it further enacted by the authority aforesaid,* That all the Justices of the Peace now commissioned for the districts of the present county of Washington, who reside within the limits of the county of Greene, shall be considered as and shall be Justices of the Peace for the said county of Greene. Of the Justices of the Peace in the new county.

SECT. vi. *And be it further enacted by the authority aforesaid,* That all taxes and arrears of taxes laid, or directed to be laid, or which have become due, within the county of Greene, before the passing of this act, shall be laid, assessed, levied and collected, in like manner as if this act had not been passed; and all sums of money due to this commonwealth, for militia fines, in the said county of Greene, shall be collected and recovered, as if this act had not been made. Of laying taxes and collecting militia fines within the new county.

SECT. vii. *And be it further enacted by the authority aforesaid,* That the Sheriff, Treasurer, Prothonotary, and all such officers as have heretofore usually given surety for the faithful discharge of their respective offices, who shall hereafter be appointed or elected in the said county of Greene, before they, or any one of them, shall enter on the execution of their respective offices, shall give the same security, in the same manner and form, and for the same uses, trust and purposes, as such officers are obliged by law for the time being to do in the county of Washington. Of official security to be given by the county officers.

SECT. viii. *And be it further enacted by the authority aforesaid,* That the Sheriff, Coroner, and public officers of the county of Washington, other than the Justices of the Peace, shall continue to exercise the duties of their respective offices within the county of Greene, until similar officers shall be appointed, agreeably to law, within the said county of Greene. The public officers of Washington county to act, until others are appointed.

[SECT. ix. *And be it further enacted by the authority aforesaid,* That the inhabitants of the county of Washington and the county of Greene, shall, jointly elect four Representatives, to serve in the House of Representatives of this state, in the same mode, under the same regulations, and make return in the like manner, as is directed by the existing laws of this state for conducting the elections and making returns of the elections of the county of Washington, any thing in this act to the contrary in any wise notwithstanding.] Of the election of Representatives in the Legislature. (Altered.)

SECT. x. *And be it further enacted by the authority aforesaid,* That David Grey, Stephen Gapin, Isaac Jenkinson, William Meekirk, and James Seals, of said counties of Washington and Greene, be, and they are hereby appointed Trustees for the county aforesaid, with full authority for them, or a majority of them, to purchase, or take and receive, by grant, bargain or otherwise, any quantity or quantities of land, not exceeding five hundred acres, within five miles of the centre of said county, and to survey and lay out the same into town and out-lots; and they or a majority of them, are hereby authorized to sell, at public auction, after due Trustees appointed to receive grants for a county town;

1796.

and to erect  
county build-  
ings.

notice given in the public newspapers of the towns of Washington and Pittsburgh, and convey in fee-simple, clear of any reservations whatsoever, so many of said town lots and out lots as they may think proper, and with the monies so arising from the sale of said lots, and with other monies to be duly assessed, levied and collected, within the said county of Greene, for that purpose, to pay for the lands thus purchased as aforesaid, and to build and erect a court-house and a prison, suitable and convenient to the public, on such of the town lots aforesaid as shall have been reserved for that purpose; and the said trustees shall, from time to time, render true and faithful accounts of the expenditures of the same, not only to the commissioners, but to the Auditors of accounts for the said county of Greene, for inspection, adjustment and settlement.

Sum to be  
raised for  
erecting the  
county build-  
ings.

SECT. XI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the commissioners of the county of Greene to lay, assess and levy, for the aforesaid purposes, such a sum not exceeding three thousand dollars, as the trustees, or a majority of them, shall direct, in the same manner as the county rates and levies are raised and levied; and the money so raised and levied as aforesaid shall be put into the hands of the aforesaid trustees, for the aforesaid purposes.

Greene county  
included  
in the fifth  
district of  
Courts of  
Common  
Pleas.

(Altered.)

SECT. XII. *And be it further enacted by the authority aforesaid,* That the aforesaid county of Greene shall be, and is hereby declared to belong to the fifth circuit, consisting of the counties of Westmoreland, Washington, Fayette, Allegheny and Somerset; and that the President of the Courts of Common Pleas within the said district shall be President of the Courts of Common Pleas of the said county.]

Included in  
the election  
district  
with Wash-  
ington and  
Allegheny.

(Altered.)

SECT. XIII. *And be it further enacted by the authority aforesaid,* That the said county of Greene shall form a part of the district composed of the counties of Washington and Allegheny, for the election of the members of Congress, and of the Senate of the State of Pennsylvania.]

Of townships  
divided by  
the boundary  
lines of the  
new county.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That when the division line aforesaid shall divide any township or townships, the part of each township thus divided, that will remain in Washington county, shall be a township, and retain its original name, and the part of each township thus divided, that will remain in the county of Greene, shall be a township and retain its original name, until the same shall be altered by the Courts of General Quarter Sessions of the Peace, for the said counties respectively.

The places  
of elections  
in Greene  
and Wash-  
ington coun-  
ties.

SECT. XV. *And be it further enacted by the authority aforesaid,* That the inhabitants of the townships of Greene, Cumberland and Franklin, qualified by law to elect, shall continue to hold their elections at the usual places where they have heretofore held the same; and the inhabitants of that part of Washington county, not contained in the three townships aforesaid, which by this act falls into the county of Greene, qualified by law to elect, shall hold their elections at the house now occupied by Matthias Woodruff.

Powers of  
the Supreme  
Court.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That the Justices of the Supreme Court shall have the like powers, jurisdictions and authorities, within the said county of Greene, as



by law they are vested with, and entitled to have and exercise, in 1796.  
other counties of this state.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That the Governor be, and he is hereby authorized to appoint three commissioners, to run the boundary line between the said counties of Washington and Greene, according to the directions of this act, who, or a majority of them, shall make report of their proceedings to the Governor on or before the first Tuesday of October next; and the expense of running the said line shall be paid out of the treasury of the county of Greene.

Commissioners to be appointed to run the boundary line.

[SECT. XVIII. *And be it further enacted by the authority aforesaid,* That the commissioners of the county of Greene, which shall be elected at the next annual election, are hereby authorized, required and directed, to take, or cause to be taken, a faithful and accurate account of all the taxable inhabitants of the said county of Greene, and make return thereof, under their hands and seals, to the Legislature of this commonwealth, on or before the first day of February, one thousand seven hundred and ninety-seven.]

A census of the taxables of Greene county to be taken and returned in 1797.

[Obsolete.]

[SECT. XIX. *And be it further enacted by the authority aforesaid,* That from and after the first day of December next, the Courts of Common Pleas and Quarter Sessions in the county of Washington shall be held on the Mondays next following the courts of the county of Greene.] (a)

Times of holding the Common Pleas of Washington county. (Supplied.)

Passed 9th February, 1796.—Recorded in Law Book No. VI. page 49.

(a) The boundaries of this county are altered, and part re-annexed to Washington county, and commissioners appointed to run the boundary line, by act of 22d January, 1802, (chap. 2212.)

The power of the trustees of Greene county transferred to the county commissioners by act of 28th January, 1800, (chap. 2087,) and by the same act, accounts of the trustees to be settled, and money raised for completing the county buildings.

The electors of Franklin and Cumberland townships, Greene county, where to hold their elections, act of 21st March, 1797, (chap. 1922.)

Place of holding elections for Greene district, fixed. Jefferson township and part of Morgan township, made a separate district; and part of Woodruff's district annexed to Franklin township. Act of 8th April, 1799, (chap. 2050, sect. 2, 9.)

The fifth election district erected, by act of 4th April, 1805, (chap. 2599, sect. 7.)

Sixth election district erected; and part of Whitely district annexed to Waynesburg district, by act of 31st March, 1806, (chap. 2715, sect. 24, 25.)

Richhill and Morris townships, erect-

ed into separate districts, by act of 4th April, 1809, sect. 13, 14.

By the last enumeration the county of Greene contained one thousand nine hundred and eleven taxables, and with the county of Washington, seven thousand six hundred and twenty-seven taxables. And by the act of March 21st, 1808, apportioning the representation in pursuance thereof, this county sends one member to the House of Representatives, and with the county of Washington two members to the Senate.

By the Judiciary act of 24th Feb'y, 1806. The counties of Beaver, Allegheny, Washington, Fayette and Greene compose the fifth district. The courts are held as follows; the term continuing one week; Beaver, 1st Monday in January, August and November, and last Monday in March. In Allegheny, the Mondays following. In Fayette, the Mondays succeeding the courts in Allegheny. In Greene, the Mondays succeeding the courts in Fayette, &c.

Greene county is attached to the western district of the Supreme Court.

By an act of 7th Feb'y, 1797, (chap. 1904,) provision was made for a place of holding the courts in Waynesburg, until a court-house should be built.

1796.

## CHAPTER MDCCCLX.

*An ACT to authorize Oliver Pollock and Henry Neaff to erect wing-dams on Connedogwinnet creek, in the county of Cumberland.*

SECT. 1, 2. [OLIVER POLLOCK and Henry Neaff empowered to erect wing-dams on Connedogwinnet creek ; but not to injure the navigation. 3. Regulations to be observed, with respect to a slope in the said dams. 4. Complaints to be investigated and redressed, upon the report of viewers to be appointed by the sessions, by indictment.]

Passed 13th February, 1796.—Private act.—Recorded in Law Book No. VI. page 56.

## CHAPTER MDCCCLXII.

*An ACT declaring a certain part of Spring creek a public highway.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, Spring creek, in the county of Mifflin, from the mouth of the same as far up as the mouth of Logan's creek, shall be, and the same is hereby, declared a public highway, for the passage of boats and rafts, under the limitations and restrictions as herein specified ; and it shall and may be lawful for the inhabitants, desirous of using the navigation of the said creek ; to remove all the natural and artificial obstructions from the mouth thereof, as far up as Logan's creek aforesaid, and to erect such slopes and locks at the mill-dams now built, as may be necessary for the passage of boats and rafts, provided such slopes and locks shall be so constructed, as not to injure the works, of said dams.

Part of  
Spring Creek  
declared a  
public high-  
way.

This act not  
to interfere  
with pre-  
existing  
rights to  
erect dams.

SECT. II. *And be it further enacted by the authority aforesaid, That* nothing in this act shall be deemed, taken or construed, to prevent any person or persons possessing land on the said creek, in the county of Mifflin aforesaid, who before the passing of this act had authority under the laws of this commonwealth to erect a dam or dams that he or she or they may think proper, provided the same be so constructed, and kept in repair by the owners thereof, with complete slopes and locks in convenient parts of such dams, as that navigation for boats and rafts will not be injured thereby.

Passed 26th February, 1796.—Recorded in Law Book No. VI. page 58.

## CHAPTER MDCCCLXIII.

*An ACT declaring the Tuscarora Creek, a public highway.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That*

Part of Tus-  
carora creek



from and after the passing of this act, the Tuscarora creek, in Milford township, in the county of Mifflin, from the mouth thereof to Thomas Beale's mill-dam, shall be and is hereby declared to be a public highway. 1796. declared a highway.

SECT. II. *And be it further enacted by the authority aforesaid,* That nothing in this act contained shall be deemed, taken or understood, to prevent any person or persons possessing lands on the said creek, who before the passing of this act, had authority under the laws of this commonwealth to erect a dam or dams, from erecting any such dam or dams: *Provided,* That such dam or dams be duly constructed and kept in repair, with a proper slope or slopes, at least twenty-five feet wide, and extending one perch down the stream for every foot the said dam or dams may be in height, and a lock or locks, at least twelve feet wide and sixty feet long, through which boats and canoes may at all times conveniently pass. Provision in favour of persons entitled to erect mill-dams.

Passed 26th February, 1796.—Recorded in Law Book No. VI. page 61.

## CHAPTER MDCCCLXIV.

*An ACT authorizing Brintnel Robbins to erect a mill-dam over part of Youghioghenny river, in the county of Westmoreland.*

SECT. 1. [BRINTNEL ROBBINS empowered to erect a dam over the Youghioghenny: not to impede the navigation or passage of fish. 2. Complaints shall be made and redressed by indictment, on the report of viewers to be appointed by the Sessions.]

Passed 26th February, 1796.—Private Act.—Recorded in Law Book No. VI. page 60.

## CHAPTER MDCCCLXVI.

*An ACT to compensate David Meade, and others.*

WHEREAS it hath been represented to the Legislature, that David Meade, and sundry other persons, embraced the provisions of an act passed the twenty-eighth day of March, one thousand seven hundred and eighty seven, entitled "An act for ascertaining and confirming to certain persons, called Connecticut Claimants, the lands by them claimed within the county of Luzerne\*," and performed, on their part, all the requisites necessary to their obtaining the benefits of the said law, by attending the state commissioners at Wyoming, and procuring their report upon their respective lands, and procuring the said reports to be lodged with the Board of Property, in order to be acted upon: And as it is but just, that the persons complying with the terms of the law aforesaid, while the said law was in existence, should be entitled to the benefits of the same;

[See vol. 2, pa. 242, to 250; and the act of 1st April, 1805, (chap. 2587,) for the redemption of the certificates issued under this act.]  
(\* Chap. 1274.)

1796.

Claimants under the law relative to the disputed lands in Luzerne county, how to be compensated.

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* it shall and may be lawful for the Board of Property, and they are hereby enjoined and required to proceed upon the reports of the Commissioners appointed by the act passed the twenty-eighth day of March, one thousand seven hundred and eighty-seven, entitled "An act for ascertaining and confirming to certain persons, called Connecticut Claimants, the lands by them claimed within the county of Luzerne," which have been filed in the office of the Secretary, and ascertain, as nearly as they can, from the documents so placed in the Secretary's office, and from such further evidence as they may deem necessary, and which shall be produced to them, what sum or sums ought, on the principles of the aforesaid law, to be allowed to the respective owners; and the Receiver-General shall thereupon deliver a certificate of such sum or sums to the respective owners, and enter a credit in his books, for the same, which may be transferred to any person, and passed as credit, either in taking out new warrants in any part of the state, where vacant land may be found, or paying arrearages on former grants: *Provided nevertheless, That* the value of the land, for which such certificates are so to be delivered to the aforesaid claimants, shall not be estimated otherwise than if the same had been made by the Board of Property immediately after the report of the aforesaid Commissioners, in pursuance of the law herein before mentioned: *And provided further, That* the claimants, who are by this act intended to be compensated, shall at the time of receiving the certificates aforesaid, release to the commonwealth their respective claims to the lands, for which they shall receive compensation.

Such claimants to execute a release.

Passed 9th March, 1796.—Recorded in Law Book No. VI. page 62.

## CHAPTER MDCCCLXIX.

*An ACT providing for the appointment of an Inspector of staves and heading.*

An Inspector of staves and heading to be appointed.

[See vol. 1, pa. 222, 277, vol. 2, pa. 528.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the inspection of staves and heading shall be vested in an officer, other than the Inspector of boards, timber and shingles; and the Governor of this commonwealth shall forthwith appoint a person of competent skill and knowledge for the inspection of staves and heading, whose duties and compensation shall be the same as is now enjoined on and allowed to the present Inspector of lumber in like cases.

SECT. II. *And be it further enacted by the authority aforesaid, That* so much of any act or acts of Assembly, as is hereby altered or supplied, shall be repealed, and made void.

Passed 17th March, 1796.—Recorded in Law Book No. VI. page 65.



## CHAPTER MDCCCLXX.

1796.

*An ACT to establish a ferry over the Juniata river, opposite Mifflin-town, in the county of Mifflin, and vesting the right in William Harris and Joseph M'Clelland, their heirs and assigns.*

[WILLIAM HARRIS and Joseph M'Clelland empowered to make landings on both sides the Juniata; and to maintain a ferry, subject to rules established by the courts of Quarter Sessions.]

Passed 17th March, 1796.—Private Act.—Recorded in Law Book No. VI. page 66.

## CHAPTER MDCCCLXXI.

*An ACT to authorize Evan Owen to erect a wing-dam on the north side of the east branch of Susquehanna river; in the counties of Northumberland and Luzerne.*

SECT. 1. [EVAN OWEN authorized to erect a mill-dam at or near Berwick, on the east branch of Susquehanna. Not to obstruct the river; nor interfere with private property. 2. Complaints to be made and redressed by indictment on the report of viewers appointed by the Sessions.]

Passed 17th March, 1796.—Recorded in Law Book No. VI. page 67.

## CHAPTER MDCCCLXXII.

*An ACT to establish a ferry over Swatara creek, near Hummill's-town, in the county of Dauphin, and for vesting the right in Christopher Ernst and Samuel Sherer, their heirs or assigns.*

[CHRISTOPHER ERNST and Samuel Sherer empowered to establish a ferry on Swatara creek; provided that they do not trespass on the lands of others.]

Passed 17th March, 1796.—Private Act.—Recorded in Law Book No. VI. page 68.

## CHAPTER MDCCCLXXIII.

*An ACT to annul the charter of incorporation of the first and third Presbyterian churches in the city of Philadelphia.*

WHEREAS by a charter of incorporation from the late Proprietaries of the province of Pennsylvania, dated the twenty-seventh

1796.

day of August, one thousand seven hundred and seventy-two, the first and third Presbyterian churches in the city of Philadelphia were united as one society, or body politic, by the name, style and title of "The committee of the first and third united Presbyterian churches in the city of Philadelphia;" And whereas an alteration of circumstances, since the period of their union, hath rendered the same inconvenient, and it is mutually agreed by the persons worshipping in the said two churches that a separation shall take place :

SECT. I. *Be it therefore enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the said charter of incorporation be, and the same is hereby annulled, repealed and made void, and, from and after the passing of this act, the same shall be and remain of no force, virtue or effect, whatsoever.

Repeal of  
the charter  
of certain  
Presbyterian  
churches.

The real es-  
tate of those  
churches,  
how to be  
vested.

SECT. II. *And be it further enacted by the authority aforesaid,* That, from and after the passing of this act, the right, title, interest and property, of, in and to the first Presbyterian church in High-street, in the city of Philadelphia, the site thereof, and the burial ground thereto annexed, shall go to, vest in, and be confirmed to the members of the first Presbyterian church, and their successors, for ever, to be holden by them as their several, sole and separate estate ; and also that the right, title, interest and property, of, in and to the parsonage-house, which the members of this church have acquired, shall be and remain vested in, and be confirmed to, the members of the said first Presbyterian church, and their successors, for ever ; and that the right, title, interest and property, of, in and to the third Presbyterian church in Pine-street, in the city of Philadelphia, the site thereof, and the burial-ground thereto annexed, being the lot granted by the late proprietaries to the members of the first Presbyterian church, for the purpose of erecting a church thereon, and other purposes therein mentioned, shall go to, vest in, and be confirmed to the members worshipping in and now in the possession of the third Presbyterian church, and their successors, for ever, and be holden by them as their several, sole and separate estate, any thing in the said charter of incorporation to the contrary thereof in anywise notwithstanding.

Passed 17th March, 1796.—Recorded in Law Book No. VI. page 69:

## CHAPTER MDCCCLXXV.

*An ACT to establish a public ferry over the river Juniata, opposite the town of Huntingdon, in the county of Huntingdon, and vesting the right in Thomas Whitaker, his heirs and assigns.*

[THOMAS WHITAKER empowered to establish a ferry over the river Juniata ; provided that he does not trespass on the lands of others.]

Passed 23d March, 1796.—Private Act.—Recorded in Law Book No. VI. pa. 71.



## CHAPTER MDCCCLXXXI.

1796.

*An ACT to erect the town of Huntingdon, in the county of Huntingdon, into a borough.*

SECT. 1. [HUNTINGDON erected into a borough. Its boundaries. 2. Of the elections of borough officers. Qualification of persons superintending the elections. Return of persons elected, how to be made. When votes are equal for the candidates, shall be decided by the Judges of the Common Pleas. Vacancies, to be supplied by a new election. Corporate title to be "The Burgesses and Town Council of the borough of Huntingdon, in the county of Huntingdon," with the usual corporate powers. 4. Penalty on refusing or neglecting to serve in borough offices. Fines and forfeitures, how recoverable. 5. Qualification of the borough officers, to be taken before a Judge or Justice of the peace. 6. By-laws, to be made by the burgesses and Town Council. 7. By-laws, how to be executed. Duty of the Town Clerk and High Constable. Complaints arising under this act, how to be redressed, by appeal to the next sessions, on giving security, &c.]

Passed 29th March, 1796.—Private local act.—Recorded in Law Book No. VI. page 92.

## CHAPTER MDCCCLXXXVII.

*An ACT to increase the salaries of the Judges of the Supreme Court, the Secretary of the commonwealth, and Presidents of the Courts of Common Pleas.* (See ante, p. 9, 26.)

SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That each of the Assistant Judges of the Supreme Court, and Presidents of the Courts of Common Pleas of the circuit including the city and county of Philadelphia, shall be entitled to receive the sum of four hundred dollars *per annum*, the Secretary of the commonwealth six hundred and sixty-six dollars and sixty-six cents *per annum*; and each of the Presidents of the Courts of Common Pleas of the other districts shall be entitled to receive the sum of two hundred and sixty-six dollars and sixty-seven cents *per annum*, in addition to their present salaries; and this act shall continue in force for two years, and no longer.\*

Addition to the salaries of certain judicial and executive officers.

\* Made perpetual, post, chap. 1995.

Passed 4th April, 1796.—Recorded in Law Book No. VI. page 114.

## CHAPTER MDCCCLXXXIX.

*An ACT for laying out and opening sundry roads within this commonwealth, and for other purposes.*

SECT. 1. COMMISSIONERS to be appointed, to lay out a road from Northampton to the mouth of Tioga. A road to be

1796. made from Pittsburgh to Le Bœuf: *Provided always*, That all contracts to be made by virtue of this act shall be registered by the Governor, according to the directions of the eighth section of the act, entitled "An Act to provide for the opening and improving sundry navigable waters and roads within the commonwealth," passed the thirteenth day of April, one thousand seven hundred and ninety-one.\*

\* Ante. pa. 24.

SECT. 3. [Appropriation for the road from Heller's to Wilkesbarre.]

Passed 4th April, 1796.—Recorded in Law Book No. VI. page 115.

### CHAPTER MDCCCXCIII.

*An ACT to annul and repeal so much of any charter or law of this state, as empowers the inhabitants of the borough of Bristol, in the county of Bucks, to hold and keep fairs within the same.*

WHEREAS the Burgesses and Common Council and other inhabitants of the borough of Bristol, and the adjoining townships, in the county of Bucks, have by their petition, set forth, that the fairs originally established by charter within the said borough have become useless and unnecessary, and promote licentiousness, vice and immorality, and have prayed that the same may be abolished: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, so much, and no more, of any law or charter of this state, as empowers the inhabitants of the borough of Bristol, to hold and keep fairs within the same, is hereby repealed, annulled and made void.

Repeal of the charter power of Bristol to hold fairs.

Passed 4th April, 1796.—Recorded in Law Book No. VI. page 126.

### CHAPTER MDCCCXCIV.

*An ACT to alter and amend the several acts of the General Assembly of this commonwealth, incorporating the city of Philadelphia.*

See vol. 2, pa. 462, chap. 1383, and the note thereto.

WHEREAS many of the citizens of Philadelphia have prayed for such alterations in their charter of incorporation, as that it may be rendered more similar to the frame of government of this commonwealth, and it is reasonable that the prayer of their petitions should be granted: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the freemen of the city of Philadelphia, qualified to elect members of the General Assembly of this commonwealth, shall meet together on the second Tuesday of October next, and on the same day year-

Of the election of members of the Common Council.



ly thereafter, and elect, by ballot, twenty persons, qualified to serve as members of the House of Representatives of this commonwealth, to be members of the Common Council for the said city, for the year next ensuing their election. 1796.

SECT. II. *And be it further enacted by the authority aforesaid,* That the said freemen shall, on the said second Tuesday of October next, also elect, by ballot, twelve persons, qualified to serve as Senators of this commonwealth, to be members of the Select Council of the said city, who shall forthwith after their election divide themselves, by lot, into three classes; the seats of the first class shall be vacated at the expiration of the first year; of the second class at the expiration of the second year; and of the third class at the expiration of the third year; so that one third may be chosen every year.

SECT. III. *And be it further enacted by the authority aforesaid,* That the whole legislative power of the corporation of the said city shall be exclusively vested in the said Select and Common Councils, who shall perform all legislative acts, as separate and distinct bodies, and shall exercise, possess and enjoy all and singular the legislative powers, which the Mayor or Aldermen, Recorder and Common Council of the said city, in Common Council assembled, at present may or can lawfully and of right exercise, possess and enjoy.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the Governor shall appoint one Recorder and fifteen Aldermen for the said city, who shall hold their offices during good behaviour, and who shall exercise, possess and enjoy all and singular the powers and privileges now exercised, possessed and enjoyed, by the Recorder and Aldermen of the said city, and who shall meet together at such times as may be proper, for the purpose of exercising the powers and privileges aforesaid, legislative powers only excepted.

SECT. V. *And be it further enacted by the authority aforesaid,* That the members of the Select and Common Councils shall, on the third Tuesday of October next, and on the same day yearly thereafter, meet together, and elect, *viva voce*, one of the said Aldermen as Mayor of the said city, whose duty (besides that of an Alderman of the said city,) shall be to preside in the Mayor's Court, when present, to promulgate the by-laws, rules and ordinances of the corporation, and to pay a special attention to the due execution and fulfilment of the same, and who shall be entitled to receive, hold and enjoy all the emoluments now attached to the office of Mayor, or which, by the laws and ordinances of the corporation, may be hereafter annexed to the same.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the doors of the respective halls of the said Select and Common Councils shall be open, for the admission of all peaceable and orderly persons, who shall be desirous of being present at the discussion of any by-laws, ordinances, rules or regulations, for the welfare and good government of the city.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the Aldermen which shall be chosen at the election to be held on the first Tuesday in April, in this present year, and the Mayor and Recorder which shall be chosen by the said Aldermen, agreeably to the laws now in force, shall hold their several and respective

Of the election of members of the Select Council.

Of the exercise of the legislative power of the corporation.

Of the appointment of the Recorder and Aldermen.

Their power.

Of the election of a Mayor.

His duties;

and emoluments.

The citizens to be admitted to hear the debates of the Councils.

Provision respecting corporation elections prior to the next general election.

1796. offices until the second Tuesday in October next, and no longer ; and that from and after the said second Tuesday in October next, so much of the act of the General Assembly of this commonwealth, entitled "An Act to incorporate the city of Philadelphia," passed the eleventh day of March, one thousand seven hundred and eighty-nine, and of any and every Supplement thereto, as is hereby altered and supplied, and no more, shall be thenceforth repealed.

Passed 4th April, 1796.—Recorded in Law Book No. VI. page 127.

## CHAPTER MDCCCXCV.

*An ACT to authorize Martin Nissly to erect a wing-dam on the west side of Connestogoe river, in the county of Lancaster.*

SECT. 1. [MARTIN NISSLY empowered to erect a wing-dam on the river Connestogoe. Regulations touching the same. 2. When the river is made navigable, a lock shall be erected. 3. Complaints to be made and redressed, by indictment on the report of viewers appointed by the sessions.]

Passed 4th April, 1796.—Private act.—Recorded in Law Book No. VI. page 129.

## CHAPTER MDCCCXCVI.

*An ACT to authorize the erection of a bridge over the river Lehigh, at the borough of Easton, in the county of Northampton.*

SECT. 1. [POWER granted to erect a bridge across the Lehigh, by the Burgesses, &c. of Easton, with the concurrence of the court and commissioners. But not so as to interrupt the navigation.]

Passed 4th April, 1796.—Recorded in Law Book No. VI. page 131.

## CHAPTER MDCCCXCVIII.

(See vol. 1,  
278-9, 318-19.)

*An ACT respecting the public landings and wharves in the township of the Northern-Liberties, in the county of Philadelphia.*

WHEREAS it is conceived that the public landings on the river Delaware, in the township of the Northern-Liberties, may be rendered more serviceable and productive, by giving further powers to the commissioners of the county of Philadelphia, in whom the same are by law vested, for the use of the public: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the commissioners of the county of Philadelphia, for the time being, shall have full power and authority, by and with the consent*

The county  
commission-  
ers, with the  
consent of



and approbation of three Justices of the Peace of the said county, 1796. to make such rules, orders and regulations, respecting the public landings and wharves in the township of the Northern-Liberties, as in their opinion will conduce to the well-governing, as well the tenants who may rent the same, as the owners or drivers of carts, waggons, or other carriages of burthen, and the skippers or persons having the charge of boats or flats, who may have occasion to frequent the said landings and wharves; and also to direct, prescribe and establish the prices for weighing at the public hay-scales, and the rates of toll and wharfage to be paid for the articles which shall be unladen at the said landings or wharves, or any or either of them.

three Justices, empowered to regulate the public landings in the Northern-Liberties.

SECT. II. *And be it further enacted by the authority aforesaid,* That the said commissioners, with the consent and approbation of three Justices, as aforesaid, shall have power and authority to grant, demise, and to farm let, the said public landings, wharves and hay-scales, either separately or together, for any term, not exceeding three years at one time, upon such rents and conditions, and under such restrictions and reservations, as to the said Justices and Commissioners shall appear just and reasonable.

Authority to lease the public landings, wharves, and hay-scales.

SECT. III. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners to keep the said landings, wharves and hay-scales, in good and perfect order and repair, and to improve the same from time to time, in such manner as will most conduce to the public advantage; and whenever the funds which have arisen or shall arise therefrom, shall, over and above the said repairs and improvements, be sufficient to purchase other landings or wharves, it shall be the duty of the said commissioners, with the consent and approbation of three Justices, as aforesaid, to make such purchases within the township of the Northern-Liberties, and to improve the same; and the landings or wharves so purchased or improved shall be held under the like trusts, and subject to the same rules and regulations, as the before mentioned public landings and wharves.

Of repairing and improving the public landings, wharves and hay-scales;

and purchasing others.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the accounts for disbursements, and improvement of such additional landings and wharves, as may be purchased by the said commissioners in pursuance of this act, and of the rents, issues and profits arising therefrom, shall be settled and adjusted by the auditors appointed to audit, settle and adjust the accounts of the county treasurers and commissioners, in the same manner, and with like powers and authorities, as they are by law invested with respecting the present public landings and wharves.

Of settling the accounts arising under this act.

Passed 4th April, 1796.—Recorded in Law Book No. VI. page 133.

## CHAPTER MDCCCXCIX.

*An ACT to erect Union-town in the county of Fayette, into a borough.*

SECT. 1. [UNION-TOWN erected into a borough. Its boundaries prescribed. 2. Of choosing Burgesses, a High Constable,

1796. a Town-Clerk, and Assistants. The highest in votes to be the Chief Burgess. Who shall be the present borough officers. 3. How the elections shall be holden, and in what cases the Governor shall appoint. 4. The Burgesses and freemen incorporated, by the name of "The Burgesses and Inhabitants of the borough of Union-town," with the usual corporate powers. 5. Penalty on refusing to serve in any of the borough offices ; and vacancies shall be supplied by a new election. 6. The oaths of office shall be administered to the Chief Burgess by a Justice of the Peace, and by the Chief Burgess to the other officers. 7. Appointment of other borough officers to be made by the Burgesses and Assistants. 8. Of making by-law at town-meetings. How the town-meetings shall be assembled.]

Passed 4th April, 1796.—Recorded in Law Book No. VI. page 135.



# A C T S

OF THE

## General Assembly of Pennsylvania.

Passed during the seventh General Assembly, which commenced 6th December, 1796, and ended 5th of April, 1797.

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THOMAS MIFFLIN, GOVERNOR.  
ROBERT HARE, SPEAKER OF THE SENATE.  
GEORGE LATIMER, SPEAKER OF THE HOUSE OF  
REPRESENTATIVES.

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1797.

### CHAPTER MDCCCCIII.

*An ACT to enable John Miller to erect a mill-dam across Swatara creek, abutting on his own land, about four miles below Fone's-town, in the county of Dauphin.*

SECT. 1. [JOHN MILLER authorized to erect a mill-dam across Swatara creek, but not so as to do any injury to others. 2. A slope to be kept for rafts to pass. 3. Persons aggrieved may obtain redress by indictment on the report of viewers appointed by the sessions.]

Passed 7th February, 1797.—Recorded in Law Book No. VI. page 141.

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### CHAPTER MDCCCCV.

*An ACT to authorize Paul Frazer to erect a dam across Shearman's creek.*

SECT. 1. [PAUL FRAZER empowered to erect a dam on Shearman's creek. 2. A slope to be kept for the passage of rafts. 3. Persons aggrieved may obtain redress by indictment, on report of viewers appointed by the sessions.]

Passed 14th February, 1797.—Recorded in Law Book No. VI. page 142.

1797.

## CHAPTER MDCCCCIX.

(See vol. 1, chap. 207, pa. 90, and the notes thereto, and chap. 315, sect. 10, pa. 185.)  
 Certain promissory notes to be held free from defalcation.

*An ACT to devise a particular form of promissory note, not liable to any plea of defalcation or set-off.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the first day of March next, all notes in writing, commonly called promissory notes, bearing date in the city or county of Philadelphia, whereby any person or persons, bodies politic or corporate, or copartnership in trade, shall promise to pay, or cause to be paid, to any other person or persons, bodies politic or corporate, or copartnership in trade, and to the order of the payee, for value in account, or for value received, and in the body of which the words, "without defalcation," or, "without set-off," shall be inserted, shall be held by the indorsees, discharged from any claim of defalcation or set-off by the drawer or indorsors thereof; and the indorsees shall be entitled to recover against the drawer and indorsors such sums, as on the face of the said notes, or by indorsements thereon, shall appear to be due: *Provided always, That* in every action brought by the holder of any such note, whether against the drawer or indorsors, the defendant may set-off and defalk so far as the plaintiff shall be justly indebted to him in account, by bond, specialty, or otherwise.

Proviso as between the plaintiff and defendant in any suit.

Passed 27th February, 1797.—Recorded in Law Book No. VI. page 148.

## CHAPTER MDCCCCX.

*An ACT to declare Cohocksink creek a public highway.*

Cohocksink creek declared to be a public highway.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, Cohocksink creek, in the township of the Northern-Liberties, and the county of Philadelphia, from the mouth thereof up to the bridge on the road leading to Frankford, shall be, and the same is hereby declared to be, a public highway, for the passage of all kinds of vessels and rafts which can float therein, and it shall and may be lawful for the inhabitants desirous of using the navigation of the said creek to remove all natural and artificial obstructions, from the mouth thereof up to the aforesaid bridge, so as that the said creek shall be navigable forty feet in width: *Provided nevertheless, That* it shall and may be lawful to throw such draw-bridge or draw-bridges across the said creek, as shall not obstruct the passage of the same.

Draw-bridges may be thrown across the creek.

Provision as to the present draw-bridge.

SECT. II. *And be it further enacted by the authority aforesaid, That* the draw-bridge at present thrown across the aforesaid creek shall remain until another can be erected.

Of enlarging the draw of

SECT. III. *And be it further enacted by the authority aforesaid, That* the inhabitants desirous of using the navigation of the said



creek shall have the right to enlarge the draw of the present bridge 1797.  
to the width of eighteen feet.

Passed 27th February, 1797.—Recorded in Law Book No. VI. page 147.

the present  
bridge.

## CHAPTER MDCCCCXI.

*An ACT to enable the owners and occupiers of a certain tract of marsh and meadow land, therein described, situate in the township of Derby, and county of Delaware, to keep the banks, dams, sluices and flood-gates in repair, and to raise a fund to defray the expense thereof.*

SECT. 1. [THE Southern District Derby Meadow company established. Time and place of appointing Managers. 2. Penalty on refusing to act as Managers. How the vacancy in the office of Manager or Treasurer shall be supplied; and penalty on refusing to act as Treasurer. 3. Treasurer to give security. Condition of the bond prescribed. 4. The banks, &c. to be hereafter supported in common by the Managers, who may assess taxes for the purpose. Banks now out of order to be repaired at the expense of the owners. 5. Powers of the Managers. 6. Of cutting weeds injurious to the meadows. 7. Of creeks and inclosures, and of swine found within the inclosures. 8. Of making new ditches and drains, and scouring the old. 9. How disputes shall be settled. 10. Of the Treasurer, and his duty prescribed. 11. Penalty on conviction of persons damaging the banks, &c. Appropriation of the penalty. 12. Proceedings in case owners of the land refuse or neglect to pay their taxes assessed, before a Justice of the Peace. 13. The Managers to direct necessary repairs; to inspect the banks, &c. four times in each year; and enter upon the company lands, to procure materials to repair them. 14. Pay of the Managers and Treasurer. 15. Former acts repealed, excepting as to fines, &c. so far as they relate to this district of meadow.]

Passed 4th March, 1797.—Recorded in Law Book No. VI. page 148.—Private Act.

## CHAPTER MDCCCCXII.

*An ACT declaring part of Fishing Creek, in Lycoming county, a public highway.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted, by the authority of the same, That* from and after the passing of this act, Fishing Creek, in the county of Lycoming, from the mouth of the same as far up as the mouth of Banks's Run, shall be, and the same is hereby declared a public highway, for the passage of boats and rafts, under the limitations and restrictions herein specified; and it shall and may be lawful for

Part of Ly-  
coming  
creek de-  
clared a pub-  
lic highway.

1797. the inhabitants desirous of using the navigation of the said creek, at their own cost and charges, to remove all the natural and artificial obstructions, from the mouth thereof as far up as Banks's Run aforesaid, and to erect and keep in repair such slopes and locks at the dam of the mill already built, as may be necessary for the passage of boats and rafts; provided that such slopes and locks shall be so constructed as not to injure the said mill or dam; nor shall any such slope or lock be erected or constructed, until the inhabitants desirous of erecting or constructing the same, shall have given to the Prothonotary of the county, such security, as the Court of Common Pleas shall judge sufficient to keep harmless and indemnified the owner or owners of the said mill and dam.

This act not  
to prevent  
dams being  
raised on  
the creek by  
persons  
heretofore  
authorized.

SECT. II. *And be it further enacted by the authority aforesaid,* That nothing in this act shall be deemed, taken or construed, to prevent any person or persons possessing lands on the said creek, in the county of Lycoming aforesaid, who, before the passing of this act, had authority, under the laws of this commonwealth, to erect a dam or dams thereon, from erecting such dam or dams; provided the same be so constructed and kept in repair by the owners thereof, with complete slopes and locks in convenient parts of such dams, as that the navigation for boats and rafts will not be injured thereby.

Passed 4th March, 1797.—Recorded in Law Book No. VI. page 155.

#### CHAPTER MDCCCCXIV.

*An ACT to amend the act, entitled "An Act for incorporating the Society formed for the relief of poor, aged and infirm masters of ships, their widows and children."*

SECT. 1. [HOW transfers of corporation stock and releases shall be made; satisfaction entered; and security to be given by the Treasurer. 2. Repeal of part of a former act, (chap. 875, vol. 1, pa. 498.)]

Passed 7th March, 1797.—Recorded in Law Book No. VI. page 154.

#### CHAPTER MDCCCCXV.

*An ACT to authorize Robert Dean and Joseph Smith to erect a wing-dam on the south side of the Frankstown branch of the Juniata, in Huntingdon county.*

SECT. 1. [ROBERT DEAN and Joseph Smith empowered to erect a wing-dam on the Juniata; but not to injure the navigation, or private property. 2. Grievances shall be redressed, by indictment, on the report of viewers appointed by the Sessions.]

Passed 9th Marh, 1797.—Private Act.—Recorded in Law Book No. VI. pa. 156.



## CHAPTER MDCCCCXVI.

1797.

*An ACT for raising by way of lottery, a sum not exceeding twenty thousand dollars, to be applied to the defraying the expenses of paving the streets in the borough of Lancaster, in the county of Lancaster.*

SECT. 1. [COMMISSIONERS appointed to raise money, by way of lottery, to pave the streets of Lancaster. Application of the money. 2. The scheme of the lottery to be approved by the Governor, surety to be given by the Commissioners and Treasurer. 3. Prizes, when to be paid. 4. Qualification of the Commissioners, list of prizes to be published. 5. Accounts of the lottery, how to be settled. 6. Limitation for demanding prizes. 7. The money raised to be applied to paving the streets.]

Passed 9th March, 1797.—Recorded in Law Book No. VI. page 157.

## CHAPTER MDCCCCXVIII.

*A SUPPLEMENT to the Penal Laws of this State.*

WHEREAS it frequently happens that persons, against whom indictments are presented by the grand inquests for the bodies of the respective counties throughout this commonwealth, are afterwards acquitted by a petit jury trying the truth of the same: And whereas, by the existing laws, a party so acquitted is equally liable to costs of prosecution as if he were convicted, which operates injustice, and a punishment to the innocent: For remedy whereof,

(See vol. 2, pa. 531, and the notes thereto.)

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, all costs accruing on all bills of indictment found by the grand jury of the city or any county in this commonwealth charging a party with any felony, breach of the peace, or other indictable offence, shall, if such party be acquitted by a petit jury, on the traverse of the same, be paid out of the county stock, by the city or county in which the prosecution commenced.

Costs, on an acquittal to be paid by the county.

Passed March 20th, 1797.—Recorded in Law Book No. VI. page 159.

## CHAPTER MDCCCCXXII.

*An ACT for the crection of certain election districts, and for other purposes therein mentioned.*

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the freemen of the district of Southwark; the townships of Moyamensing and Passyunk, in the county of Philadelphia, shall from henceforth hold their general elections at the Commissioners' Hall, in the district of Southwark aforesaid.

Electors of Southwark, Moyamensing and Passyunk, where to elect.

1797.

New election districts established in Allegheny county.

SECT. II. *And be it further enacted by the authority aforesaid,* That the townships of Irwin and Mead, in the county of Allegheny, are hereby erected into a separate election district, and that the freemen of the said district shall hold their annual elections in the block-house in Mead borough, in the township of Mead aforesaid; that the freemen of the township of Elizabeth, in the county of Allegheny, shall in future hold their general elections at the house now occupied by Samuel Bayard, in the township of Elizabeth aforesaid; and that the freemen of the townships of Bethel and East-Hanover, in the county of Dauphin, shall in future hold their general elections at the house now the property of Christopher Capp, junior, in the town of Williamsburg, in Bethel township aforesaid.

Election districts established in Somerset county.

SECT. III. *And be it further enacted by the authority aforesaid,* That the township of Turkey Foot in the county of Somerset, is hereby erected into a separate election district, and the freemen of the said township shall hold their general elections at the house now occupied by John Nicklow, in said township; and the townships of Milford and Somerset shall be a separate election district, and the freemen of the said townships shall hold their general elections at the house now occupied by Henry and Jacob Schnyder, in the town of Somerset aforesaid, until a court-house is built, after which period they shall hold their general elections at the court-house.

The fifth election district in Bedford county established.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the north end of Belfast township, in the county of Bedford, beginning at Sideling hill, and bounded by the south branch of a run descending from the said hill to Licking creek, and from thence a straight line to Scrub Ridge, shall be annexed to the fifth district, and the freemen residing therein shall hereafter hold their general elections at the house now occupied by Daniel McConnel, in the township of Air.

Lycoming county divided in five election districts.

SECT. V. *And be it further enacted by the authority aforesaid,* That the county of Lycoming shall be divided into five election districts, to wit, the township of Loyalsock, and that part of Lycoming township lying east of Pine Run, and also that part of Washington township lying north of the Bald Eagle Mountain, being the first election district, the freemen residing therein shall hold their general elections at the court-house; the township of Muncy, and that part of the township of Washington lying south of the Bald Eagle Mountain, being the second election district, the freemen residing therein shall hold their general elections at the house now occupied by Henry Shoemaker, junior, in the township of Muncy aforesaid; and that part of the township of Lycoming lying west of Pine Run, and that part of Pine Creek township east of Chatham's Run, and the township of Nippinose, being the third election district, the freemen residing therein shall hold their general elections at the house now occupied by Thomas Ramsey, at Pine Creek; and that part of the township of Pine Creek west of Chatham's Run, being the fourth election district, the freemen residing therein shall hold their general elections at the house now occupied by Hugh Andrew, in Dunnsburgh: the township of Bald Eagle being the fifth election district, the freemen residing therein shall hold their general elections at the house now occupied by Frederick Richards, in said township.



SECT. VI. *And be it further enacted by the authority aforesaid,* 1797.  
That the townships of Westcaln, Sadsbury, East-Fallowfield, and West-Fallowfield, in the county of Chester, shall henceforth be a separate election district, to be called the fourth district, the qualified electors whereof shall hold their general elections at the house now occupied by James Hollis, in the township of East-Fallowfield; and that the townships of East-Nottingham, West-Nottingham, Upper and Lower-Oxford, in the said county, shall compose a separate election district, to be called the fifth district, the qualified electors whereof shall hold their general elections at the house now occupied by Samuel Hood, on or near the line between the townships of East-Nottingham and Lower-Oxford; and that the townships of East-Nantmill, Coventry, and Vincent, shall compose a separate election district, to be called the sixth district, the qualified electors whereof shall hold their elections at the school-house near Pughtown, in the county of Coventry; and that the townships of Charlestown, Tredyffrin, East-town, Willistown, and East-Whiteland, shall compose a separate election district, to be called the seventh district, the qualified electors whereof shall hold their elections at the house now occupied by Richard Robinson, in Tredyffrin township.

Additional election districts established in Chester county.

SECT. VII. *And be it further enacted by the authority aforesaid,* Election districts established in Huntingdon county.  
That the townships of Woodbury and Morris, in the county of Huntingdon, be, and they hereby are erected into a separate election district, to be called the fifth election district in the county aforesaid, and the freemen of the said district shall hold their general elections at the house of Robert Smith, in the town of Williamsburgh; and that so much of the townships of Hopewell and Union, in the county aforesaid, as is included within the bounds hereinafter mentioned, shall, after the passing of this act, be a separate election district, to be called the sixth election district in said county, viz. Beginning at the Bedford county line, in the old gap of Sideling-Hill; thence by the said line to the summit of Tussey's mountain; thence by the summit of said mountain to the old path, leading from Hartsock's fort, in Woodcock valley; thence by a straight line to John Frete's house, including the same; thence by a straight line to Forshe's gap in Terres mountain; thence along the summit of said mountain to the waggon road leading from Little-trough creek to Huntingdon-town; thence by a straight line to the summit of Sideling-Hill, so as to include the inhabitants of Little-trough creek; thence by the summit of the said hill to the place of beginning; and the freemen of said district shall hold their general elections at the house now occupied by Isaac Crum, on the Raystown branch of the Juniata river.

SECT. VIII. *And be it further enacted by the authority aforesaid,* Elections of Fannet and Metal townships in Franklin county, where to elect.  
That the qualified electors residing within the townships of Fannet and Metal, in the county of Franklin, shall in future hold their general elections at the school-house, in the town of Fannetsburgh.

SECT. IX. *And be it further enacted by the authority aforesaid,* Electors of Franklin township, in Greene county where to elect.  
That the qualified electors residing within the township of Franklin, in the county of Greene, shall hold their general elections at the house now occupied by Thomas Slater, in or near the town of

1797.

Waynesburgh, until a court-house is built, after which they shall hold their said elections at the court-house ; and that the qualified electors residing in Cumberland township, in the said county, shall in future hold their general elections at the house now occupied by Philip Kitcham, in said township.

Additional  
election dis-  
trict in  
Northamp-  
ton county.

SECT. X. *And be it further enacted by the authority aforesaid,* That the qualified electors residing within that part of Northampton county, which is bounded as follows, beginning in the boundary line between Pennsylvania and New-York, at the north-east corner of the county of Luzerne, thence south along the same thirty-six miles, thence north forty-five degrees east, until it strikes the Delaware river, thence up the same, to the New-York line, thence along the same to the place of beginning, shall hold their general elections at the house now occupied by Elijah Dix, in the said district.

The eighth  
election dis-  
trict of  
Northumber-  
land erected.

SECT. XI. *And be it further enacted by the authority aforesaid,* That so much of the township of Washington as belongs to the county of Northumberland, and that part of the township of White Deer, running along the White Deer mountain, to the little Spruce run, thence down the same to Matthew Laird's plantation ; and from thence to the west branch of Susquehanna, to where Peter Swartz formerly lived ; thence down the same to the mouth of Buffaloe creek : thence across the west branch of Susquehanna by James Stedman's, a direct line to where William Reed lives, on Chilisquaque creek, thence up said creek to the district line ; and thence along said line to the place of beginning, shall be called the eighth district in the county of Northumberland ; and the freemen of the said district shall hold their general elections at the house occupied by William Gallagher, in the town of Milton, any thing contained in the act, entitled "An Act to regulate elections of this commonwealth," to the contrary notwithstanding.

Rye, and  
part of  
Greenwood,  
in Cumber-  
land, erected  
into a new  
district.

SECT. XII. *And be it further enacted by the authority aforesaid,* That Rye township, and that part of Greenwood township, which lies south of the Fall's-hill, in the county of Cumberland, shall be, and is hereby erected into a separate election district, and the qualified electors residing therein shall meet, and hold their general elections at the Union school-house in the town of Petersburg, in Rye township aforesaid.

Passed 21st March, 1797.—Recorded in Law Book No. VI. page 162.

## CHAPTER MDCCCXXIII.

*An ACT to release all claims, on the part of the commonwealth, to certain lands within the Manor, or reputed Manor, of Maske, in the county of York.*

WHEREAS an act passed the twenty-seventh day of November, in the year one thousand seven hundred and seventy-nine, entitled "An Act for vesting the estates of the late proprietaries of Pennsylvania in this commonwealth," wherein, among other things, it is provided, that all and every the private estates, lands and hereditaments, of any of the said proprietaries, whereof they are now



possessed, or to which they are now entitled in their private several right or capacity, by devise, purchase or descent, and likewise all the lands called and known by the name of "The proprietary tenths or manors," which were duly surveyed and returned into the Land-Office on or before the fourth day of July, in the year of our Lord one thousand seven hundred and seventy-six, together with the quit or other rents, and arrearages of rents, reserved out of the said proprietary tenths or manors, or any part or parts thereof, which have been sold, be confirmed, ratified and established for ever, according to such estate or estates therein, and under such limitations, uses and trusts, as in and by the several and respective reservations, grants and conveyances thereof, are directed and appointed: And whereas, a certain tract of land in the county of York was heretofore surveyed, under the name of "The Manor of Maske," and the survey thereof returned into the office of the Surveyor-General before the fourth day of July, one thousand seven hundred and seventy six: And whereas, certain citizens had settled themselves and made improvements on the said lands, comprehended within the lines of the said Manor of Maske, antecedently to the warrant issuing for the survey of the same, and without notice that any such measure was in contemplation: And whereas doubts have on this account arisen, whether the said survey was regular, and the said settlers and inhabitants, in whose favour the said exceptions might have been urged, have waved the same, and have agreed, or are in treaty with and ready to conclude a purchase from John Penn and Richard Penn, Esquires, in whom the estate of the late proprietaries is vested, on terms satisfactory to themselves, and have for these reasons, by their petition, requested a release of all claim to the said lands by the commonwealth.

SECT. I. *Be it therefore enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That to remove any uneasiness in the minds of the said inhabitants, from an apprehension that the commonwealth may claim the said land under the said act above recited, to encourage agriculture and improvement, by rendering titles free from dispute, and to remove any prejudice that may subsist against the rights that may be derived from the late proprietaries of Pennsylvania to the said lands, that the lands within the lines marked by the survey of the said Manor, or reputed Manor of Maske, in the month of January, one thousand seven hundred and sixty-six, shall be deemed free and clear of any claim by this commonwealth under the said act; and all right, title, interest, claim and demand of this commonwealth to the whole, and every part of the said tract, included within the said boundary lines, is hereby remised, released, and quit-claimed, to the several and respective persons thereon settled, their heirs and assigns, forever, according to their several and respective rights: Provided nevertheless, That this act shall not be considered as exercising any right or claim to the said lands, nor as entitling the settlers thereon to claim from the commonwealth any compensation or indemnity, in case the said settlers shall be evicted and removed therefrom by any person or persons not claiming under this commonwealth.*

Release, on behalf of the commonwealth, as to all lands in the Manor of Maske.

Proviso.

1797.

## CHAPTER MDCCCXXIV.

*An ACT supplementary to the act, entitled "An Act to provide for distributing the laws of the United States, and certain laws of the commonwealth, and for re-printing the Provincial and State laws, passed prior to the second day of October, one thousand seven hundred and eighty-one."*

SECT. 1. [FURTHER appropriation of the new edition of the laws, for the use of the Legislature ; obsolete.]

For the Inspectors of the prison and library companies.

SECT. II. *And be it further enacted by the authority aforesaid,* That the said Secretary be, and he is hereby authorized and required to deliver to the Board of Inspectors of the prison of the city and county of Philadelphia, and to each incorporated Library Company within this commonwealth, consisting of not less than twenty persons, one copy of such of the laws of this state, as were directed by the third section of the act, entitled "An Act to provide for printing, publishing and distributing the laws of this commonwealth, and to direct a proper index to be made of the records of the executive department,"\* to be retained in his custody, subject to the orders of the Legislature ; and one copy of such of the laws of this state, as were directed by the first and second sections of the act to which this act is supplementary, to be reserved for the use of this commonwealth ; and also one copy of such of the laws of the United States, as was directed by the fourth section of the said recited act to be purchased by the Governor : *Provided nevertheless,* That nothing herein contained shall entitle any Library, which has received the said laws, to the benefit of this act.

\*(Ante page 81.)

Together with the laws of the United States.

Laws of the United States to be purchased, and distributed.

SECT. III. *And be it further enacted by the authority aforesaid,* That the said Secretary shall procure two hundred copies of such of the laws of the United States as have been passed since the second day of December, one thousand seven hundred and ninety-three ; thirty copies he shall deliver to the Clerk of the Senate, twenty-four copies thereof for the use of the members of the Senate, respectively, and six copies for the use of the Senate ; and eighty-four copies he shall deliver to the Clerk of the House of Representatives, seventy-eight whereof shall be for the use of the Members of the House of Representatives, respectively, and six for the use of the House of Representatives ; to the Board of Inspectors of the prison of the city and county of Philadelphia, and to each of the incorporated Library Companies within this commonwealth, consisting of not less than twenty persons, he shall deliver one copy, and the remainder of the said copies he shall reserve, for the use of this commonwealth.

SECT. 4. [Further appropriation of the new edition for the use of individual Members of the Legislature. Obsolete.]

Passed 23d March, 1797.—Recorded in Law Book No. VI. page 166.

## CHAPTER MDCCCXXVI.

*An ACT to erect the town of Sunbury, in the county of Northumberland into a borough.*

SECT. 1. [THE town of Sunbury erected into a borough. Its boundaries described. 2. Certain officers of the borough, when



to be elected. 3. The Burgesses and freeholders made a body corporate, by the name of "The Burgesses and inhabitants of the borough of Sunbury in the county of Northumberland," with powers of acquiring and holding real and personal estate, &c. 4. Markets when to be held. Clerk of the market to be appointed. 5. The corporation may make a causeway across the public way along the Susquehanna, and a landing place; and provide ferry-boats. 6. No other person shall keep a ferry at that place. 7. Powers and privileges of the borough of Sunbury to be the same as the borough of Reading. (Vol. 2, page 76,) except as to holding fairs.] (See a supplement to this act, 16th March, 1803, chap. 2333. Authorized to hold fairs, by act of 22d January, 1802, chap. 2211.)

Passed 24th March, 1797.—Recorded in Law Book No. VI. page 170.

## CHAPTER MDCCCXXVII.

*An ACT to repeal an act, passed the thirty-first day of March, one thousand seven hundred and ninety-five, entitled "An act to ascertain the boundary lines of a tract of land in York county, called Carrol's Delight," and to provide for surveying the same, and for other purposes therein mentioned.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted, by the authority of the same, That the Surveyor-General of this commonwealth be authorized, and he is hereby required, on the application of any person, and at the proper charges and expense of the holders of lands within the tract of land called Carrol's Delight, situate in the county of York, to issue his order to any Deputy-Surveyor of the said county, not interested in any part of said tract, to survey the same, agreeably to the lines marked and known by the name of John Gillahan's survey, and ascertain the number of acres therein contained, over and above the quantity mentioned in the original patent, and make return thereof into the Surveyor-General's office, and the Surveyor-General shall certify the same to the Secretary of the Land-Office, and upon the payment of the customary price of lands of the date of the said patent, with interest for the said surplus, it shall be deemed and taken to be in full of all claim and demand of this commonwealth of, in and to the land contained within the said lines, marked and known by the name of John Gillahan's survey, as aforesaid, as fully and completely as if patents had issued for the same; and the said holders of the said lands respectively shall hold the same agreeably to their respective surveys, without any further demand whatsoever of or from this commonwealth, according to their respective deeds; and the said lines, marked and known as aforesaid, shall for ever be the boundary of the said tract of land called Carrol's Delight, any variance in the boundary hereby established from any former survey or reputed boundary of the said tract of land notwithstanding: Provided always, That nothing in this act contained shall in any wise injure or impair the title of any person to the land contained within the said lines, or any part thereof.*

Carrol's Delight how to be re-surveyed;

1797.

(\* Chap,  
1807.)

SECT. II. *And be it further enacted by the authority aforesaid,* That an act passed the thirty-first of March, one thousand seven hundred and ninety-five, entitled "An act to ascertain the boundary lines of a tract of land in York county, called Carrol's Delight,"\* be, and the same is hereby repealed.

Passed 28th March, 1797.—Recorded in Law Book No. VI. page 184.

## CHAPTER MDCCCCXXVIII.

*An ACT to incorporate the citizens of this state, members of the Aggregate Corporation for the relief of the widows and children of Clergymen of the Protestant Episcopal church in the United States of America, for the better management of their share and proportion of the funds and estate of the said Aggregate Corporation, upon a division of the same being made with the members of the said corporation, citizens of the states of New-York and New-Jersey.*

SECT. 1. [THE corporation of the Protestant Episcopal church empowered to agree with other associated corporations for a final division of the aggregate estate. 2. When the seal of the Aggregate corporation may be broke. New corporation of the members, who are citizens of this state; its powers and privileges; and times of meeting and making by-laws prescribed. The present annuitants shall not be injured by dissolving the Aggregate Corporation.]

Passed 28th March, 1797.—Recorded in Law Book No. VI. page 173.

## CHAPTER MDCCCCXXIX.

*An ACT to provide arms for the use of the commonwealth. (b)*

Quantity of  
arms to be  
purchased  
for the state.

Pattern and  
quality of  
each stand.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the Governor be, and he is hereby empowered and required, to procure, as speedily as may be, twenty thousand stands of arms, of a size and quality best adapted for field service, one half by immediate purchase, and the other half to be made or manufactured within the United States; the whole to be of the fashion or pattern of the French Charleville musket, and of the dimensions following, to wit; the length of each barrel to be three feet eight inches, and to receive a ball of the size of eighteen to the pound; each barrel to undergo the same degree of proof as is now in use for the proof on those made for the service of the United States, and to be stamped or marked near the breech with the letters C. P. the locks to be upon the best construction, double bridled, on a flat plate, and marked with the letters aforesaid; the mounting iron, with bands

(b) By chap. 2082, this act was suspended for two years. See the existing militia law, passed 9th April, 1807, (chap. 2842.)



and swivels, and spring to each band; the ramrods to be of well tempered steel; the bayonets to be fifteen inches in the blade, made of steel well tempered, and polished; the stock to be made of well seasoned walnut; the length of the butt of the musket to be fifteen and an half inches from the breech end of the barrel to the heel plate; the side pins, breech pins, and trigger, to be case hardened; the weight of the musket and bayonet, thus completed, not to exceed eleven pounds.

SECT. II. *And be it further enacted by the authority aforesaid,* That as soon as one moiety or half part of the arms, directed to be provided in the foregoing section, shall be had and completed, agreeably to the intention of this act, the Governor shall direct such arms to be distributed between the city of Philadelphia and the several counties of this state, in proportion to the number of Representatives in each, that is to say; the said arms are to be delivered into the care and charge of the Brigade Inspector of the city and each county, who shall give his receipt for the same; and it shall be the duty of the said Inspectors to deliver the said arms to the field officers of each regiment or battalion of infantry within his brigade, in proportion to the number of men in each; and the field officers of each regiment or battalion shall give their joint receipt for the arms so delivered, declaring themselves personally responsible therefor, and that they shall be kept in good order; and the said Brigade Inspectors respectively shall provide a proper place or places for depositing and safe-keeping the arms of each of the regiments or battalions within his brigade, which place or places of deposit shall be fixed on by and with the consent and approbation of the field officers of each respective regiment and battalion; and it shall be the duty of the respective Brigade Inspectors to deliver the receipt given by the field officers as aforesaid to the Adjutant-General, who shall cause the same to be filed and recorded in his office; and the regimental Quarter Master shall report to the Brigade Inspector the situation of any of the arms of the regiment which may be injured or out of repair, and the said Inspector shall cause the same to be repaired without delay, and shall also, when occasion may so require, employ a suitable person or persons to cleanse and oil the arms belonging to the respective brigades; and the Register and Comptroller-General shall allow all necessary expenses which may be incurred in consequence of this act, in settling the respective accounts of the Brigade Inspectors: *Provided always,* That the field officers shall not be responsible for any of the arms, which shall, by order of the Inspector, be put into the possession of any person or persons, for the purpose of cleansing or repairing, until they shall be by them returned, in order to be deposited: but the Brigade Inspector shall be personally responsible therefor until they shall be returned to the place of deposit: *And provided also,* That upon the death, resignation or removal of any field officer, it shall be the duty of the Brigade Inspector, within six weeks thereafter, to examine and ascertain whether the arms committed to the care of any such field officer are in their respective places of deposit, and in good order, and if found so, the said Brigade Inspector shall certify the same to such field officer, if resigned or removed, or to

First moiety of the arms, how to be distributed, kept, used, repaired, and accounted for.

Who shall answer for arms while repairing.

Duty of the Brigade Inspector, in case of the death of any officer entrusted with arms.

1797. his executors or administrators, if dead ; upon which certification, or upon the neglect of the **Brigade Inspector** to make such examination, the responsibility attached to the field officer or his estate shall cease and be void.

Inspectors shall visit the places where arms are deposited.

Proceedings, in case of loss or embezzlement of arms.

Duty of the Quarter-Masters,

Second moiety of the arms, how to be distributed and kept.

Appropriation for the purchase of arms.

**SECT. III.** *And be it further enacted by the authority aforesaid,* That it shall be the duty of the **Brigade Inspectors** to visit the place or places in which the arms of the several battalions and regiments within their respective brigades are deposited, at least once in every six months, and at every such visit they shall carefully examine the condition and number of arms in each place of deposit ; and if it shall appear to either of the said **Inspectors**, that any of the arms belonging to the regiments or battalions within his brigade are misplaced, lost or embezzled, he is hereby authorized and required to cause suits to be commenced against the person or persons, through whose neglect such loss, embezzlement or misconduct has arisen, so that the said arms may be restored or replaced without delay ; and it shall be the duty of the **Quarter-Master** of each respective regiment (on notice from the **Brigade-Inspector**, which notice he is hereby required to give,) to attend at the examination made by the **Inspector** of the arms of the regiment to which the said **Quarter-Master** belongs ; and he shall give to the said **Inspector** such information respecting the arms as the case may require, and shall aid and assist the **Inspector** in examining the same ; and if any regimental **Quarter-Master** shall, after due notice given, neglect or refuse to attend at the time of such examination, or refuse to give such information as the case may require, he shall forfeit and pay the sum of twenty dollars for every such neglect or refusal, to be recovered by the **Brigade-Inspector** in the same manner, and for the like uses, that the militia fines are directed to be applied.

**SECT. IV.** *And be it further enacted by the authority aforesaid,* That as soon as the remaining moiety of arms are provided, they shall be distributed in the manner before mentioned, and the officers respectively shall be responsible for the same, in the manner herein provided respecting the first moiety of arms to be provided.

**SECT. V.** *And be it further enacted by the authority aforesaid,* That the sum of two hundred and forty-thousand dollars is hereby appropriated for the purposes mentioned in this act, to be paid on warrants drawn by the **Governor** upon the **Treasury** of this commonwealth, out of the fund for the support of government.

Passed 28th March, 1797.—Recorded in Law Book No. VI. page 182.

## CHAPTER MDCCCXXX.

*An ACT to authorize the Governor of this commonwealth to incorporate a company, for erecting a bridge over the river Lehigh, near the town of Northampton.*

**SECT. 1.** [**COMMISSIONERS** for receiving a subscription to build a bridge over Lehigh ; form of the subscription. Payment to be made on subscribing. 2. Proceedings to obtain patents of incorporation. Style of the corporation to be "The President,



Managers and Company, for erecting a bridge over the river Lehigh, near the town of Northampton," with the usual corporate powers. 3. Proceedings to organize the corporation. Votes in proportion to the number of shares. 4. Meetings of the stockholders of the corporation. 5. Certificates of shares, how to be issued and transferred. 6. Of the meetings of the President and Managers, and their powers. 7. Penalty for not paying the instalments on the capital stock. 8. Accounts of the corporation how to be kept and inspected, and how the capital may be enlarged. 9. The property of the bridge vested in the corporation. Rates of toll established. Proviso, as to the consent of the owners of the banks to erect the bridge, and not to impair the navigation. 10. Toll of oxen. 11. Penalty on taking greater toll, or neglecting to keep the bridge in repair. Limitation of prosecutions. 12. Accounts of the company to be kept and published. 13. Accounts of the company to be laid before the Legislature, and provision for increasing or diminishing the rate of toll. 14. Provision for annulling the charter, if not executed in seven years. 15. Provision for extinguishing the right of taking toll.]

Passed 28th March, 1797.—Recorded in Law Book No. VI. page 176.

## CHAPTER MDCCCCXXXI.

*An ACT for the erection of an election district in Northampton county.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the town of Bethlehem, and that part of Bethlehem township which lies west of the road leading from Bethlehem to Nazareth, and the township of Allen in the county of Northampton, are hereby erected into a separate election district; and the freemen thereof shall hold their general elections at the house now occupied by Adam Shener, in Allen township aforesaid.*

A new election district erected in Northampton.

Passed 31st March, 1797.—Recorded in Law Book No. VI. page 187.

## CHAPTER MDCCCCXXXII.

*An ACT to erect a separate election district in the county of Lancaster.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the townships of Strasburg, Sadsbury, Bart, and that part of Martic, lying north and east of a line beginning at the north-east corner of Drumore township, where it intersects Bart and Martic townships, from thence by a direct line*

The sixth election district of Lancaster county erected.

1797. to the house of Henry Eckman, on the road leading from the White Horse or Long's tavern to the borough of Lancaster, and from thence along the new laid out road to Pequea creek, at or near Martic forge, known by the name of the Martic forge road, and from thence up said creek to the Strasburg township line, shall be an election district, to be called the sixth district; and the electors thereof shall hold their general elections at the house now occupied by George Rine, in the village of Strasburg.

Passed 31st March, 1797.—Recorded in Law Book No. VI. page 185.

## CHAPTER MDCCCCXXXIV.

*An ACT making a new arrangement of election districts in the county of Montgomery.*

First election district in Montgomery county.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the townships of Norriton, Providence, Worcester, Plymouth, Whitpain, Upper-Merion and Lower-Merion, in the county of Montgomery, shall be an election district, to be called the First District; and the electors thereof shall hold their general elections at the Court-house, in the said county.

The second district.

SECT. II. *And be it further enacted by the authority aforesaid,* That the townships of Whitmarsh, Springfield, Upper-Dublin and Horsham, shall be an election district, to be called the Second District; and the electors thereof shall hold their general elections at the house now occupied by Philip Riffert, in Whitmarsh township aforesaid.

The third district.

SECT. III. *And be it further enacted by the authority aforesaid,* That the townships of Abington, Cheltenham and Moreland, shall be an election district, to be called the Third District; and the electors thereof shall hold their general elections at the house now occupied by William M'Calla, in the township of Abington aforesaid.

The fourth district.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the townships of Gwynnedd, Montgomery, Towamensing, Hatfield, Franconia, Lower-Salford, Upper-Salford, and Skippack and Perkiomen, shall be an election district, to be called the Fourth District; and the electors thereof shall hold their general elections at the house now occupied by Christian Weaber, in Towamensing township aforesaid.

The fifth district.

SECT. V. *And be it further enacted by the authority aforesaid,* That the townships of Limerick, New-Hanover, Upper-Hanover, Douglas, Marlborough and Frederick, shall be an election district, to be called the Fifth District; and the electors thereof shall hold their general elections at the house now occupied by Catharine Snider, in New-Hanover township aforesaid.

Passed 31st March, 1797.—Recorded in Law Book No. VI. page 186.



## CHAPTER MDCCCXXXV.

1797.

*An ACT to provide for the settlement of the estates of deceased officers and soldiers, who served in the Pennsylvania line during the late war.*

**WHEREAS** great inconveniences have arisen and much injury has been done to the rights of this commonwealth, in cases where letters of administration have been taken out upon the estates of officers and soldiers, who served in the Pennsylvania line during the late war, and who died intestate, and without heirs, inasmuch as in many instances no settlement of accounts has been made by the persons so taking out letters of administration with the officer of the proper county, and paying into his hands their respective balances: And whereas, for the want of legal provision in this respect, a door has been opened for much unjust speculation: For remedy whereof,

**SECT. I.** *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the several Registers for the probate of wills and granting letters of administration within this commonwealth shall be, and they are hereby required to cause to be published in their respective counties, on or before the first day of August next, either in a public newspaper, or in a convenient number of public hand-bills, to be pasted up in at least twenty of the most frequented places in their respective counties, the names of all such administrators, as well as the names of their sureties, as have received letters of administration (and have not settled their accounts) upon the estates of officers and soldiers, who served in the Pennsylvania line during the late war, and who have died intestate, and without heirs, severally requiring them at the same time, and in like manner, to settle their accounts with the Register of the proper county, and pay him their respective balances, with interest on the same, to be computed from the end of thirty days after the said publication.

Publication to be made of the names of administrators on the estates of officers and soldiers of the Pennsylvania line.

**SECT. II.** *And be it further enacted by the authority aforesaid, That* the said Registers respectively shall, at the same time, and in like manner, require all other such administrators, of whom they have not knowledge, to come in within sixty days from the date of such publication, and file, in the office of Register of the proper county, the name of their intestate, and the date of their letters of administration, and the administrators last mentioned shall, within thirty days from the time of such coming in, settle their accounts with the Register of the proper county, and pay him their respective balances, in the same manner as is prescribed in the preceding section.

Persons not named in the publication to be cited to appear before the proper Register.

**SECT. III.** *And be it further enacted by the authority aforesaid, That* if any administrators so as aforesaid known, or coming in on notice as aforesaid given, shall neglect or refuse to produce his letters of administration, and make settlement, and pay the balance, with interest, to the proper officer, as is before directed, then it shall and may be lawful, and the Register is hereby required, within thirty days after such neglect or refusal, to make out and trans-

In case of neglect to appear, the administration bonds shall be sued

1797. mit true copies of the administration bond to the Attorney-General of this commonwealth, who is hereby empowered and directed to commence suit upon the same.

Or if proper accounts are not rendered, the penalty of the bonds shall be forfeited and paid, for the use of the state.

SECT. IV. *And be it further enacted by the authority aforesaid,* That if the administrators aforesaid, after having come forward, do not produce an inventory of the goods and chattels of the deceased at the time of his death, with fair and satisfactory accounts of the receipts and expenditures of monies coming into and passing through their hands, in consequence of such letters of administration, then the penalty of the administration bond shall be forfeited, and if the suit is prosecuted with effect, shall be paid, with interest as aforesaid, into the hands of the Treasurer of the proper county, who shall transmit the same to the Treasurer of this commonwealth, for the use of the commonwealth.

Penalty on Registers, who neglect to execute this act.

SECT. V. *And be it further enacted by the authority aforesaid,* That if any Register for the probate of wills and granting letters of administration shall, after the publication of this act, neglect or refuse to do all and singular the duties and services herein required, he shall, for the first offence, forfeit and pay to the commonwealth the sum of five hundred dollars, for the second or any subsequent offence, the sum of one thousand dollars, to be recovered by bill, plaint or indictment, as fines, penalties and forfeitures, are by the several laws of this commonwealth.

The Secretary shall transmit copies of this act to the Registers.

SECT. VI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Secretary of this commonwealth, and he is hereby required as soon as conveniently may be, to transmit a copy of this act to the respective Registers of the several counties within this commonwealth.

Fees to be charged by the Registers.

SECT. VII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Registers respectively to charge and receive such fees for the above-mentioned extraordinary services, as the commissioners of the respective counties shall think just and reasonable, which fees shall be deducted out of the monies or effects of each particular estate; but in case he shall not receive a sum sufficient for that purpose from any such estate, then, and in that case, the fees as aforesaid shall be paid out of the county treasury, on warrants drawn by the commissioners.

Passed 1st April, 1797.—Recorded in Law Book No. VI. page 189.

## CHAPTER MDCCCCXXXVI.

*An ACT to regulate the manner of selling loaf-bread, and to repeal certain existing laws respecting the same.*

Repeal of former acts respecting the assize of bread.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, so much of an act, entitled "An act to regulate the assize of bread, and for other purposes therein mentioned," passed on the eighteenth day of March, one thousand seven hundred and seventy-five, as relates to the assize of



bread ; also the whole of the act to suspend, for a limited time, so much of the aforesaid act as relates to the assize of bread, and for other purposes therein mentioned, passed on the fourth day of September, one thousand seven hundred and ninety-three, and of the act to continue the same, passed on the sixth day of April, one thousand seven hundred and ninety-five, be and the same are hereby, repealed.\*

1797.

[\* Vol. 1, pa-  
425, chap.  
707, and  
chap. 1691,  
1813.]

SECT. II. *And be it further enacted by the authority aforesaid,* That, from and after the first day of May next, all loaf-bread made for sale within this commonwealth shall be sold by the pound avoirdupois, and every baker or other person, offering the same for sale, shall keep at his or her house, or at such other place at which he or she shall at any time offer or expose for sale any such bread, sufficient scales and weights, lawfully regulated, for the purpose of weighing the same ; and if any baker or other person shall, from and after the first day of May next, sell or offer for sale any loaf-bread, in any other manner, the contract respecting the same shall be void, and the person offending against this act shall, on conviction, forfeit and pay the sum of ten dollars for every such offence, one half to the use of the informer, and the other half to the use of this commonwealth ; and it shall be the especial duty of the Clerk of the market, in any place where such officer is appointed, to discover and prosecute all persons offending against this act.

Weight of  
loaf-bread  
regulated.

Penalty for  
transgress-  
ing.

Duty of the  
Clerk of the  
market.

SECT. III. *And be it further enacted by the authority aforesaid,* That this act, and every matter and thing therein contained, except so much thereof as limits its commencement to the first day of May next, shall be in full force and effect within the city of Philadelphia, the township of the Northern-Liberties, and the district of Southwark, immediately from and after the passing of the same, any thing contained in the second section thereof to the contrary in any wise notwithstanding.

Commence-  
ment and  
operation of  
this act.

Passed 1st April, 1797.—Recorded in Law Book No. VI. page 188.

## CHAPTER MDCCCXXXVII.

*An ACT for the erection of certain election districts in the county of Berks.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That, the townships, of Bethel, Tulpehocken, and part of Heidelberg township, which lies northwest of Haines's creek, from the source to the mouth thereof, in the county of Berks, are hereby erected into a separate election district ; and that the freemen of said district shall hold their general elections in Middletown, in the township of Heidelberg, at the house now occupied by Conrad Stauch.

A new elec-  
tion district  
erected in  
Berks  
county.

SECT. II. *And be it further enacted by the authority aforesaid,* That the township of Pine Grove, in the said county, is hereby erected into a separate election district ; and that the freemen of said

Another new  
district  
erected.

1797. district shall hold their general elections at the house now occupied by Jacob Gunckel, in the same township.

Passed 1st April, 1797.—Recorded in Law Book No. VI. page 167.

## CHAPTER MDCCCCXXXVIII.

[See ante.  
pa. 143, and  
the notes  
thereto.]

*An ACT supplementary to the act, entitled “ An Act directing the descent of intestates real estates, and distribution of their personal estates, and for other purposes therein mentioned.”*

WHEREAS the goods and effects of testators and intestates have sometimes been wasted by the executors of their last wills and testaments, and by administrators, to the great injury, not only of the legal representatives of the testator, but also of just creditors, and of the sureties in administration bonds; and where executors are empowered to sell real estates, it is just and right that the produce of such sales should be secured for the purposes intended thereby: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That when any legatee, creditor, or person interested in the real or personal estate of a person who has heretofore died, or shall hereafter die, with a last will or testament, or surety in any administration bond for administering the estate of any decedent, shall declare, on oath or affirmation, that he, she or they have sufficient cause to believe that the executors or administrators, with or without a will annexed, of such decedent are wasting or mismanaging the estate of such decedent, and shall make application for security to the Orphans' Court of the county, in which letters testamentary or letters of administration, with or without a will annexed, have been or shall be granted, the said Orphans' Court are hereby empowered to examine the cause of complaint; and if it should appear to them that the same is just, it shall and may be lawful for such Court to order such executors or administrators to give such sufficient bond, with sureties, or such further security as they may judge necessary, according to the value of the estate, which securities shall be taken and filed in the said Orphans' Court, in the name of the commonwealth of Pennsylvania; and the said bonds shall be deemed and considered in trust for the benefit of all persons interested in said estate, whether as legatees, legal representatives, creditors, or sureties in former administration bonds. And in case such executor or administrator shall refuse or neglect, for the space of thirty days after due notice of such order, to give the security or further security so ordered, then the said Court shall vacate the letters testamentary or of administration, and award new letters to be granted and issued by the Register of the proper county, to such person or persons, and upon such security, as the Court shall think proper; and shall moreover order the first executor or administrator to deliver over and pay to the successor all and every the goods, chattels, rights, credits, title deeds, evidences and securities, which were of the decedent, and

Proceedings  
to compel  
executors  
and adminis-  
trators to  
give secu-  
rity.

Penalty on  
not giving  
the security;  
and proceed-  
ings there-  
upon to re-  
voke the  
letters testa-  
mentary or of  
administra-  
tion.



which came to his or their hands, and remain unadministered, and to account with the said successor for all and every the goods, chattels, rights and credits, which shall have been previously administered, and pay over the balance which shall remain due from him or them to the said successor in such manner and time as the said Court shall, upon an examination and confirmation of such account (to be had according to the usual course of proceeding in case of accounts of executors and administrators settled in such Courts,) award and order. And if such superseded executor or administrator shall neglect or refuse to comply with the award and order of the Court touching the premises, the Court, on motion, shall proceed against him or them, as is lawful in cases of contempt, or the succeeding administrator may proceed at law against him or them, or his or their sureties, if any there be, or against any other person or persons who may be possessed thereof, for the recovery thereof; or both the said remedies may be pursued at the same time, if the case so require, until the end be fully attained.

1797.

Penalty for disobeying the award of the court in such case.

SECT. II. *And be it further enacted by the authority aforesaid,* That in all cases where a return of *nulla bona* shall have been made by the Sheriff of the proper county, to an execution against any such executors or administrators, their sureties shall, on notice thereof, unless they can shew goods or chattels, lands or tenements, in some other county, which may be seized and taken in execution by a *testatum fieri facias*, to satisfy the same, be liable to pay the amount of the debt and costs therein, in actions brought against them on the said bonds, and such further proof or evidence in support thereof as by law would have entitled the suitor or suitors to recover his, her or their demand of the said executors or administrators, *de bonis propriis*; provided such suits shall be instituted against the sureties within seven years after the date of the respective bonds; and the whole amount of the sums of money to be recovered thereupon shall not exceed the penalties of the said bonds respectively.

On return of *nulla bona*, how the sureties of executors or administrators shall be made liable.

Limitation of suits against sureties.

SECT. III. *And be it further enacted by the authority aforesaid,* That, from and after the passing of this act, any executor or executors, administrator or administrators, with or without a copy of a will annexed, may, with leave of the Register's or Orphans' Court in the respective counties, make a settlement of his or their accounts, so far as he or they shall have administered the estate of the deceased; and also, with leave of either of the said Courts, may be dismissed from the duties of his or their appointment, and surrender the residue of the estate under his or their care to such person or persons as the said court may appoint; the Register of the respective counties in every such case is hereby authorized and required to take bond, with two sufficient sureties, in a penalty of double the amount of the real value of such estate, and also to administer the usual oaths or affirmations to such person or persons so appointed, and to grant letters of administration of the unadministered part of such estate.

How executors and administrators may settle their accounts, and be discharged.

SECT. IV. Whereas inconveniences may arise from the debts of

1797.

Limitation  
of the time,  
during  
which debts  
shall remain  
a lien on real  
estates.

Proviso, as  
to persons  
under legal  
disabilities.

deceased persons remaining a lien on their lands and tenements an indefinite period of time after their decease, whereby *bona fide* purchasers may be injured, and titles become insecure: Therefore, *Be it further enacted by the authority aforesaid*, That no such debts, except they be secured by mortgage, judgment, recognizance, or other record, shall remain a lien on said lands and tenements longer than seven years after the decease of such debtor, unless an action for the recovery thereof be commenced and duly prosecuted against his or her heirs, executors or administrators, within the said period of seven years, or a copy or particular written statement of any bond, covenant, debt, or demand, where the same is not payable within the said period of seven years, shall be filed within the said period in the office of the Prothonotary of the county where the lands lie: *Provided always*, That a debt due and owing to a person, who at the time of the decease of such debtor is a *feme covert*, in his or her minority, *non compos mentis*, in prison, or out of the limits of the United States, shall remain a lien on the said lands and tenements (notwithstanding the said term be expired) until four years after discoveriture, or such person shall have arrived at the age of twenty-one years, be of sound mind, enlarged out of prison, or return into some one of the United States of America.

Distribution,  
where there  
is a widow,  
and no issue.

Distribution,  
where a woman  
dies  
without  
leaving a  
husband; and  
where there  
is a husband.

Distribution,  
where there  
is no widow  
nor lawful  
issue, father,  
brother, sister,  
or their  
representatives.

Distribution,  
where there  
is no widow,  
nor lawful  
issue, father,  
or mother,  
but brothers  
and sisters of  
the whole  
blood.

SECT. V. And whereas the provisions of the act, to which this act is supplementary, appear to be incomplete: Therefore, *Be it further enacted by the authority aforesaid*, That where an intestate leaves a widow, and no lawful issue, the real and personal estate not given by the former act to the widow shall descend and be divided as is directed by this act, and the act to which this is a supplement, in cases where the intestate shall leave neither widow nor lawful issue; and that where any woman shall hereafter die intestate, without leaving a husband, her estate, real and personal, shall descend and be divided in the same manner as is directed by this act, and the act to which it is a supplement, in cases where men have died or shall die intestate; but where she leaves a husband, he shall take the whole personal estate, and the real estate shall descend and go in the same manner as is directed in the case of men dying intestate, saving to the husband his right as tenant, by the curtesy; and if any intestate shall die seized of real estate in fee-simple, and shall leave no widow, nor lawful issue, father, brother, sister, or their representatives, then the said estate shall go and be vested in fee-simple in the mother, unless where such estate has descended from the part of the father, in which case it, or such part thereof as shall have come from the part of his or her father, shall pass and be enjoyed, as if such person, so dying seized, had survived his or her mother; and where any person shall die seized or possessed of any real or personal estate, leaving neither widow nor lawful issue, father or mother, but brothers and sisters of the whole blood, the said estate shall descend to and be vested in such brothers or sisters, as tenants in common, in equal parts; and if any of the brothers or sisters of the intestate shall be then dead, leaving lawful issue, then it shall descend to and be enjoyed by the surviving brothers and sisters and the lawful issue of such brothers or sisters as shall



be then dead, such issue always to inherit, if one person, solely, if several persons, as tenants in common, in equal parts, such share only as would have descended to his, her or their parent, had such parent been then living, and each of the brothers and sisters of the persons so dying intestate, who shall be living at the time of the death of the intestate, always to inherit and enjoy such share, as would have descended and been distributed to him or her, if all the brothers and sisters leaving lawful issue had been living at the time of the death of the intestate.

SECT. VI. *And be it further enacted by the authority aforesaid,* That if the intestate shall die seized of real estate, leaving neither widow nor lawful issue, father or mother, brother or sister, of the whole blood, but shall leave lawful issue of deceased brothers or sisters, the said estate shall be enjoyed and possessed by such lawful issue, in the same shares and proportions, and for such estates, as is directed in case some of the brothers or sisters are living.

SECT. VII. *And be it further enacted by the authority aforesaid,* That if the intestate shall die seized or possessed of real or personal estate as aforesaid, leaving neither widow nor lawful issue, father or mother, but brothers and sisters, of the whole and half blood, or their representatives, the brothers and sisters of the whole blood, and the legal representatives of such of the whole blood as are dead, shall inherit the real estate in fee-simple, and the personal estate shall be distributed equally between the brothers and sisters of both the whole and half blood, or their representatives; but if there are no lawful issue, widow, father or mother, brothers or sisters, or their representatives, of the whole blood, then brothers and sisters of the half blood shall inherit the said real estate in fee-simple, and the personal estate absolutely, the estate both real and personal to be held by them, as tenants in common, in equal parts, except such parts of the real estate as came to such intestate by descent, devise or gift of some one of his or her ancestors, in which case, all those who are not of the blood of such ancestor, shall be excluded from such inheritance, and such part of the real estate.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That like proceedings may be had where the intestate leaves no children, or their legal representatives, both in making partition, or where the estate cannot be divided without prejudicing or spoiling the whole, by directing an appraisement, and ordering the whole to the eldest brother or his issue, if any of such issue shall then be of full age, if he or she shall accept it, or to any other of the brothers or their issue successively, if any of such issue shall then be of full age, upon the refusal by the eldest brother or his issue, or if there be no brothers or their issue, or they all neglect or refuse, then to the eldest sister or her issue, if any of such issue shall then be of full age, and on her neglect or refusal, to any other sister or her issue successively, if any of such issue shall then be of full age, in the manner and on the conditions directed by the act, to which this is supplementary, with respect to the children of an intestate; and the same mode of dividing, assigning and appraising estates, shall be observed in all cases, where by this act, or the act to which this

Distribution where there is no widow or lawful issue, father or mother, brother or sister of the whole blood, but lawful issue of deceased brothers or sisters.

Distribution, where there is no widow nor lawful issue: e. father or mother, but brothers and sisters of the whole and half blood, or their representatives.

Distribution, where there is no lawful issue, widow, father or mother, brothers or sisters, or their representatives, of the whole blood.

Partition of intestates estates, how to be made.

1797. is supplementary, estates are to be vested in several persons, as tenants in common.

SECT. IX. And whereas inconveniences have arisen, and may hereafter arise, from the want of notice being given to the parties concerned by executors, administrators and guardians, before the passing and allowing of their respective accounts: For remedy whereof, *Be it further enacted by the authority aforesaid*, That where any executor, administrator or guardian shall have stated and filed his account in the office of the Register for the probate of wills and granting letters of administration for the proper county, it shall be the duty of the said Register, and he is hereby required to give notice, in at least three of the most public places in said county, to all legatees, creditors, or other persons (as the case may be,) setting forth that such executor, administrator or guardian (as the case may be) has filed his account, and that the same will be presented to the Orphans' Court for confirmation and allowance, at the time and place for that purpose appointed, a copy of which notice shall also be set up in his office; and no such account shall be confirmed and allowed by the said court, unless such notice shall have been given, and a copy thereof set up in the office aforesaid, at least thirty days prior to the time appointed for such confirmation and allowance.

SECT. X. *And be it further enacted by the authority aforesaid*, That if any testator, after the passing of this act, shall devise or bequeath to his wife any portion of his estate, such devise or bequest shall be deemed and taken to be in lieu and bar of her dower out of the estate of her deceased husband, in like manner as if the same were so expressed, unless such testator shall, by his last will and testament, declare otherwise, any law, usage or custom of this commonwealth to the contrary in anywise notwithstanding, *Provided always nevertheless*, That nothing in this section contained shall deprive the widow of her choice either to dower, or the estate so devised or bequeathed. (c)

SECT. XI. *And be it further enacted by the authority aforesaid*, That all the bonds directed by law to be taken by the Registers for the probate of wills and granting letters of administration shall be hereafter in the name of the commonwealth of Pennsylvania, and that the second section of the act to which this is supplementary, be, and the same is hereby repealed, and made null and void.

Passed 4th April, 1797.—Recorded in Law Book No. VI. page 190.

(c) In what manner and time the widow shall make her election, see the act passed, relative to dower, 1st April, 1811.

## CHAPTER MDCCCXLIII.

*An ACT directing the sale of such of the barrack and city lots, as remain the property of this commonwealth.*

[SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly*

How notice shall be given, before the accounts of executors and administrators are passed.

A devise to a wife shall be deemed in lieu of dower;

but the widow may elect which to take.

Bonds taken by Registers shall be in the name of the commonwealth.



met, and it is hereby enacted by the authority of the same, That 1797.  
 the Surveyor-General, Receiver-General, and Secretary of the  
 Land-Office, be, and they are hereby, authorized and required, with-  
 in three months from and after the passing of this act, to offer for  
 sale, at public auction, all the barrack lots, the property of this com-  
 monwealth, within the Northern-Liberties, in the county of Phila-  
 delphia, and the said lots to sell for the best price that can be ob-  
 tained.]


Barrack lots  
 in Philadel-  
 phia and the  
 Northern-  
 Liberties  
 be sold.

[SECT. II. *And be it further enacted by the authority aforesaid,* All public  
 That the said Surveyor-General, Receiver-General, and Secretary lots in Phila-  
 of the Land-Office, be, and they are hereby authorized and required delphia to be  
 to sell, at public auction, to the highest and best bidder, all the lots sold.  
 of ground in the city of Philadelphia, the property of this common-  
 wealth, which have not heretofore been appropriated by law.]

[SECT. III. *And be it further enacted by the authority aforesaid,* Proceedings  
 That if the purchase money shall not be paid within six months, on the de-  
 from and after the sale herein directed to be made, such lots as re- fault of any  
 main unpaid for shall escheat to the commonwealth, and be sold a purchaser.  
 second time at public auction, and the former purchaser shall be  
 liable for the deficiency of such second sale.]

SECT. IV. *And be it further enacted by the authority aforesaid,* How patents  
 That upon the payment of the purchase money to the Receiver- shall issue.  
 General, and the same being by him certified to the Governor, a  
 deed shall issue, in the same manner as patents for lands within this  
 commonwealth do.

SECT. V. *And be it further enacted by the authority aforesaid,* Proceedings  
 That all such claims for city lots, as were made by petition to the on claims for  
 Executive Council, and remain undecided, may be renewed, by pe- city lots.  
 tition to the Judges of the Supreme Court, who shall thereupon  
 proceed, as speedily as possible, to hear and determine the same ;  
 and if their determination shall be in favour of any such claim, they  
 shall direct the Sheriff of the county of Philadelphia, by a jury of  
 twelve freeholders, to make a valuation of the said claim, and to as-  
 sign in satisfaction thereof, such and so many of the city lots, that  
 may be unappropriated, as will, in their estimation, be equal to such  
 valuation, which valuation and assignment shall be returned to the  
 said Judges, who shall thereupon direct the Prothonotary to grant  
 a certificate thereof, under the seal of the court, to the party inter-  
 ested, and upon such certificate it shall and may be lawful for the  
 Governor to direct the Surveyor-General to lay out the same, and  
 to grant a patent or patents therefor ; but if no such unappropriated  
 lots can be found, a certificate shall be granted for the amount of  
 such valuation to the party, in whose favour the same shall have  
 been made, agreeably to the provisions of the second section of the  
 "Act to provide for the settlement of public accounts, and for other  
 purposes therein mentioned," passed on the fourth day of April,  
 one thousand seven hundred and ninety-two ; but if the determi-  
 nation of the said Judges shall be against the claim of such peti-  
 tioner or petitioners, the same shall be forever barred : *Provided al-*  
*ways,* That no such petition shall be received or acted upon by the Limitation  
 of time for-

1797.  presenting such claims. said Judges, unless the same be presented to them, or filed with the Prothonotary, within twelve months from and after the passing of this act, unless it shall be first shewn to the said Judges, that the party or parties interested therein were prevented from so presenting the same by some legal disability, in which case it may be received and acted upon at any time within twelve months after the removal of such legal disability; and that nothing in this act contained shall be construed to prevent or bar any suit against such patentee or patentees, on behalf of any person or persons, other than this commonwealth, touching or concerning any of the lots or the titles that may be so granted in pursuance of the provisions of this act.

Passed 5th April, 1797.—Recorded in Law Book No. VI. page 197.



# A C T S

OF THE

## General Assembly of Pennsylvania.

Passed during the eighth General Assembly, which commenced 5th December, 1797, and ended 4th April, 1798.

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THOMAS MIFFLIN, GOVERNOR.  
ROBERT HARE, SPEAKER OF THE SENATE.  
GEORGE LATIMER, SPEAKER OF THE HOUSE OF  
REPRESENTATIVES.

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1798.

### CHAPTER MDCCCCL.

*An ACT extending the powers of the Judges of the Supreme Court and Common Pleas.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the Supreme Court and several Courts of Common Pleas in this state, shall have power, in any action depending before them, on motion, and upon good and sufficient cause shewn, by affidavit or affirmation, and due notice thereof being given, to require the parties, or either of them, to produce books or writings in their possession or power, which contain evidence pertinent to the issue; and if either party shall fail to comply with such order, and to produce such books or writings, or to satisfy said courts why the same is not in the party's power so to do, it shall be lawful for the said courts, if the party so refusing shall be a plaintiff, to give judgment for the defendant as in cases of non-suit, and if a defendant, to give judgment against him or her by default, as far as relates to such parts of the plaintiff or plaintiffs demand, or the defendant or defendants defence, to which the books or papers of the party is alleged to apply.

Power of the courts to compel the production of books and papers.

Passed 27th February, 1798.—Recorded in Law Book No. VI. page 211.

## CHAPTER MDCCCCLI.

1798.

*An ACT to empower Walter Clark, William Gray, and William Wilson, to sell and convey a certain lot of ground in the town of Lewisburgh, in Northumberland county, and for other purposes.*

SECT. 1. [WALTER CLARK and others, empowered to sell a lot in Lewisburgh, and purchase another lot for the use of the Presbyterian Congregation of Buffaloe township, Northumberland county.]

Passed 27th February, 1798.—Private Act.—Recorded in Law Book No. VI. page 211.

## CHAPTER MDCCCCLIII.

*An ACT for altering certain election districts in the county of Berks.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted, by the authority of the same, That the townships of Robeson, Brecknock, Caernarvon, and part of Union township, beginning at a white oak stump on the Chester and Berks county line, at or near a place known by the name of John Davis's improvement, from thence in a straight line to Six-penny mill, on Six-penny creek, and from thence in a straight line to the bank of the river Schuylkill, to a corner of Robert A. Farmer and John Harrison's lands, are hereby erected into a separate election district, and that the freemen of said district shall hold their general elections at the house now occupied by Philip Marquart, in Robeson township.*

SECT. II. *And be it enacted by the authority aforesaid, That that part of Union township, which lies south-east of the above described line, shall hold their general elections at the White Horse tavern, in Amity township, any thing in any former act to the contrary notwithstanding.*

Passed 27th February, 1798.—Recorded in Law Book No. VI. page 215.

## CHAPTER MDCCCCLIV.

*An ACT for altering the place of holding elections in the fourth district in the county of Dauphin.*

WHEREAS it has been represented to the Legislature, by petition from the inhabitants of Upper Paxton, in the county of Dauphin, that the place of holding their elections is uncentral and inconvenient :

SECT. I. *Be it therefore enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the freemen of the fourth district in the county of Dauphin shall,*

New election district established in Berks county.

The place for holding elec.



from and after the passing of this act, hold their general elections at the house now occupied by Adam Bender, in the township of Upper-Paxton aforesaid, any thing to the contrary thereof in any former law notwithstanding. 1798.

tions in the fourth district of Dauphin county.

Passed 27th February, 1798.—Recorded in Law Book No. VI. page 216.

## CHAPTER MDCCCCLVII.

*An ACT for the appointment and regulation of Constables in the township of the Northern-Liberties, in the county of Philadelphia.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the electors of the township of the Northern-Liberties shall, on the third Saturday in the month of March in each and every year, elect eight suitable persons, inhabitants of the said township, and return the names of the persons so elected to the next General Court of Quarter Sessions to be held for the county of Philadelphia, and the said court shall appoint four of them Constables for the said township; and if either of the said Constables elected and appointed as aforesaid, refuse or neglect to take upon him the office to which he shall be appointed as aforesaid, or in case of vacancy, by dismission from office for misconduct, death, resignation, or removal from the said township, the court may and shall appoint another proper person to serve the office of Constable for and during the term, or residue of the term, which the person in whose room he shall be so appointed was entitled to serve.

How Constables shall be appointed in the Northern-Liberties.

Proceeding in case of vacancy.

SECT. II. *And be it further enacted by the authority aforesaid, That* before any Constable of the said township, elected and appointed as aforesaid, shall enter on the duties of his office, he shall become bound by recognizance, with two or more good and sufficient sureties, inhabitants and citizens of the said township, to be approved by the Justices of the said General Court of Quarter Sessions, for the faithful performance of the duties of the office, jointly and severally, in the sum of two hundred dollars,\* payable to the commonwealth, in trust for the use and benefit of all and every person or persons, who may be injured or aggrieved by the neglect or improper conduct of such Constable, in the execution of the duties of his said office.

Constables to be bound in recognizance for the faithful performance of the duties of their office.

(\* One thousand dollars, by act of 20th March, 1810, § 29.)

SECT. III. *And be it further enacted by the authority aforesaid, That* if any Constable or Constables elected and appointed under this act, or any person or persons by his or their direction, shall at any time hereafter purchase, on account or for the use of the said Constables, or any of them, at his or their respective sales, any goods, chattels, wares or merchandizes, taken in execution by the said Constable, or any of them, and the same be proved, on the oath or affirmation of one or more credible witness or witnesses, before the

Penalty on a Constable's purchasing at sales of goods taken in execution.

1798. Justices of the said General Court of Quarter Sessions, such Constable shall forfeit and pay the sum of one hundred dollars, one half for the use of the state, and the other for the use of the person who shall inform of the buying aforesaid, to be recovered in any Court of Record within this state; and shall, moreover, be incapable of holding the said office at any time thereafter.

Part of a  
former act  
repealed.

(\* Chap.  
1862.)

SECT. IV. *And be it further enacted by the authority aforesaid,* That so much of the act, entitled "A Supplement to the act, entitled "An Act to extend the powers of the Justices of the Peace of this state," passed the thirteenth day of February, in the year of our Lord one thousand seven hundred and ninety-six,\* as relates to the election and appointment of an High Constable for the township of the Northern-Liberties, be, and the same is hereby, repealed.

Passed 27th February, 1798.—Recorded in Law Book No. VI. page 217.

## CHAPTER MDCCCCLVIII.

[Original  
act, vol. 2,  
pa. 512.]

*A SUPPLEMENT to the act, entitled "An Act for incorporating the Society formed for the relief of distressed and decayed pilots, their widows and children."*

SECT. 1. [THE rights of the Corporation preserved. 2. The times for holding future meetings, prescribed. 3. Part of the former act repealed.]

Passed 27th February, 1798—Private act.—Recorded in Law Book No. VI. page 213.

## CHAPTER MDCCCCLX.

*An ACT to provide for the erection of houses for the employment and support of the poor, in the counties of Chester and Lancaster.*

Poor-houses  
to be erected  
in Chester  
and Lancas-  
ter.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That houses for the employment and support of the poor shall be erected in the counties of Chester and Lancaster, in the manner, and under the conditions hereinafter prescribed and enacted.

Directors,  
how to be  
elected.

SECT. II. *And be it further enacted by the authority aforesaid,* That the citizens of the said counties of Chester and Lancaster, respectively, shall, at the general election next ensuing the passing of this act, in the manner prescribed for the election of Members of the House of Representatives of this commonwealth, elect six reputable citizens of each of the said counties respectively, to be directors of the poor, and of the house of employment for the county of Chester, and for the county of Lancaster; and the Judges of election for the said counties respectively shall, immediately on receiving the returns from the several election districts, and casting up the number of votes therein, or within three days thereafter,

Certificate of  
the election.



certify, under their hands and seals, the names of the directors so chosen to the clerk of the Court of Quarter Sessions of the said respective counties, who shall file the said certificate in his office, and forthwith give notice in writing to the said directors of their being elected; and the said directors shall meet at the courthouse, in their respective counties, on the first Monday in November next ensuing their election, and divide themselves by lot into three classes, the places of the first to be vacated at the expiration of the first year; of the second at the expiration of the second year, and of the third at the expiration of the third year, so that those who shall be chosen after the first election, and in the mode above prescribed, may serve for three years, and one third be chosen annually.

1798.

Meeting of the Directors, and rotation of service.

SECT. III. *And be it further enacted by the authority aforesaid,* That the said directors respectively shall, for ever hereafter, in name and in fact, be one body politic and corporate in law, to all intents and purposes whatsoever relating to the poor of the said counties of Chester and Lancaster, and shall have perpetual succession, and may sue and be sued, plead and be impleaded by the name, style and title of "The Directors of the poor and of the house of employment for the county of Chester, and of the Directors of the poor and of the house of employment of the county of Lancaster;" and by that name shall and may respectively receive, take and hold any lands, tenements and hereditaments, not exceeding the yearly value of five thousand dollars, and any goods and chattels whatsoever, of the gift, alienation or bequest of any person or persons whatsoever; to purchase, take and hold any lands and tenements within their respective counties in fee simple, or otherwise, and erect suitable buildings thereon, for the reception, use and accommodation of the poor of their respective townships; to provide all things necessary for the reception, lodging, maintenance and employment of the said poor; to appoint a Treasurer annually, who shall give bond, with sufficient surety, for the faithful discharge of the duties of his office, and that at the expiration thereof, he will well and truly pay and deliver over to his successor all monies, bonds, notes, books, accounts, and other papers, to the said corporations respectively belonging, which shall then be remaining in his hands, custody and possession; to employ, and at pleasure remove a steward or stewards, matron or matrons, physician or physicians, surgeon or surgeons, and all other necessary attendants for the said poor respectively; to bind out as apprentices or to service, so that such service may expire, if males, at or before the age of twenty-one years, if females, at or before the age of eighteen, with the approbation of two Justices of the Peace, such poor children as shall come under their notice, or as may now be bound apprentices by the Overseers of the Poor; and to exercise and enjoy all such other powers, now vested in the Overseers of the Poor, as are not herein granted or supplied; and the said Directors respectively shall be empowered to use one common seal in all business relating to the said corporation, and the same at their pleasure to alter or renew.

The Directors incorporated.

Style of the corporation.

Its immunities, powers and duties.

Treasurer of the corporation, his qualification and duty.

Seal of the corporation.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the said Directors respectively, as soon as may be after their

Estimates to be made of the expenses

1798.

of erecting  
the build-  
ings, &c.

Tax to be  
raised for de-  
fraying the  
same.

Time and  
manner for  
rendering  
the accounts  
of the Direc-  
tors.

Return of  
persons in  
the poor-  
house.

Inspection of  
the books.

Trustees ap-  
pointed to fix  
the places  
for erecting  
the poor-  
houses;

who shall re-  
port to the  
Quarter Ses-  
sions.

election and organization as aforesaid, shall make an estimate of the probable expense of purchasing the lands, erecting the necessary buildings, and furnishing the same, and maintaining the poor within the said counties respectively for one year; whereupon the county commissioners of the said respective counties shall, and they are hereby authorized and required to increase the county tax by one and fourth part of the sum necessary for the purposes aforesaid, shall procure on loan, on the credit of the taxes herein directed to be levied, the remaining three fourths thereof, to be repaid in instalments, with interest, out of the county taxes: *Provided always*, That if such loan cannot be made, the whole amount of the sum necessary for the purposes aforesaid, or such part thereof as may be deemed proper, shall immediately be added to the county tax, to be paid by the county Treasurer to the Directors aforesaid, on orders drawn in their favour by the county commissioners, as the same may be found necessary.

SECT. v. *And be it further enacted by the authority aforesaid*, That the said Directors respectively shall, at least once in every year, render an account of all the monies by them received and expended to the Auditors appointed to audit and settle the county accounts, subject to the same penalties, rules and regulations, as are by law directed respecting the accounts of the county commissioners; and shall also, at least once in every year, lay before the Court of Quarter Sessions and Grand Jury of the said counties respectively a list of the number, ages and sexes of the persons maintained and employed in the said house of employment respectively, or supported or assisted by them elsewhere, and of the children by them bound out to apprenticeships or to service, as aforesaid, with the names of the masters or mistresses, and their trade, occupation or calling; and shall at all times, when thereunto required, submit to the inspection and free examination of such visitors, as shall from time to time be appointed by the Court of Quarter Sessions of the said counties respectively, all their books, accounts, affairs and economy, together with the rents, interests and monies, payable and receivable by the said corporations respectively; and also an account of all sales, purchases, donations, devises and bequests, as shall have been made by or to them, or either of them.

SECT. VI. *And be it further enacted by the authority aforesaid*, That Joshua Ashbridge, Edward Darlington, Moses Marshall, Esquire, Robert Miller, John Davis, John Rinchart, James McGibbons, Esquire, Samuel Carter, and James Johnston, of the said county of Chester, and Edward Hand, Thomas Boude, George Mosser, James Morrison, John Funk, Peter Ellmaker, Frederick Segar, George Eleck, and Zachariah Moore, of the said county of Lancaster, be, and they are hereby authorized, empowered and directed to receive and hear such applications, as shall be directed to them, respecting the place which may be deemed most proper for erecting the buildings for the employment and support of the poor as aforesaid, within their respective counties, and shall, on or before the first day of December next, determine upon and fix the place within the said counties of Chester and Lancaster respectively, in which the said buildings shall be erected, and shall certify their



proceedings, under their hands and seals, to the Clerk of the Quarter Sessions of the said counties respectively, to be filed in his office. 1798.

SECT. VII. *And be it further enacted by the authority aforesaid,* That as soon as the said respective buildings shall be erected, and all necessary accommodations provided therein, notices shall be sent, signed by any two of the said Directors of the said respective counties, to the Overseers of the several townships of the said counties of Chester and Lancaster respectively, requiring them forthwith to bring the poor of their respective townships to the said houses of employment respectively, which order the said Overseers are hereby enjoined and required to comply with, otherwise to forfeit the cost of all future maintenance, except in cases, when by sickness, or other sufficient cause, any poor person cannot be removed, in which case the said Overseers shall represent the same to the nearest Justice of the Peace, who, being satisfied of the truth thereof, shall certify the same to the said Directors, and at the same time issue an order, under his hand and seal, to the said Overseers, directing them to maintain such poor, until such time as he or she shall be in a situation to be removed, then to convey the said pauper, and deliver him or her to the steward or keeper of the said house of employment, together with the said order; and the charge and expense of such temporary relief and of such removal shall be paid by the said Directors, at a reasonable allowance.

When and how the poor shall be removed to the buildings erected under this act.

Exception as to the sick, and how they shall be provided for.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the said Directors respectively shall, from time to time, receive, provide for and employ, according to the true intent and meaning of this act, all such poor and indigent persons, as shall be entitled to relief, or shall have gained a legal settlement in the said county of Chester, or in the said county of Lancaster, and shall be sent there by an order or warrant for that purpose, under the hands and seals of any two Justices of the Peace, directed to any constable of the said county of Chester or Lancaster, or to the Overseers of the proper township in any other county of this commonwealth, and to the said Directors of the poor and of the house of employment of the said county of Chester or Lancaster; and the said Directors respectively are hereby authorized, when they shall deem it proper and convenient so to do, to permit any poor person or persons to be maintained elsewhere; and if the pauper be married, and the person to whom he or she is married is not supported at the county expense, it shall be the duty of the said Directors to place the said pauper with the person to whom he or she is married, if required; provided the expense of such maintenance doth not exceed that of the house of employment.

The Directors required to provide for and employ the poor of the respective counties; and the manner of doing so prescribed.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the said Directors, or any four of them, who shall be a quorum in all cases to do business within their respective counties, shall have full power to make and ordain all such ordinances, rules and regulations, as they shall think proper, convenient and necessary for the direction, government and support of the poor and houses of employment aforesaid, and of the revenues thereunto respectively belonging, and of all such persons as shall come under their care

Power of the Directors to make rules and regulations.

1798. or cognizance, provided the same be not repugnant to this law, or any other of the laws of this state, or of the United States; and provided also, that the same shall not have any force or effect, until they shall have been submitted to the President and Associate Judges of the Court of Common Pleas for the time being, for the district within which the said county of Chester or Lancaster shall be, and shall have received the approbation of said court.

Times and places of meeting of the Directors,

SECT. X. *And be it further enacted by the authority aforesaid,* That a committee consisting of at least two of the said Directors, shall, and they are hereby enjoined and required to meet at the said houses of employment, in their respective counties, at least once in every month, and visit the apartments, and see that the poor are comfortably supported, and hear all complaints, and redress, or cause to be redressed, all grievances, which may happen by the neglect or misconduct of their servants, or others in their employment, or otherwise.

Compensation of the Directors.

SECT. XI. *And be it further enacted by the authority aforesaid,* That the said directors shall each of them receive for their services twenty dollars *per annum*, to defray the expense of their necessary attendance on the duties of their offices.

How vacancies shall be supplied in the direction.

SECT. XII. *And be it further enacted by the authority aforesaid,* That in case of any vacancy or vacancies, by death, resignation removal, neglect, refusal, or otherwise, of any of the said Directors, a majority of the remaining Directors shall fill such vacancy or vacancies, by appointment of one or more citizens of their said counties respectively, as the case may require, to serve until the next general election, when another Director or Directors shall be elected, to serve for the period or periods which such Director or Directors were to have served, if no such vacancy or vacancies had happened.

How monies in the hands of the Overseers of the Poor shall be applied.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That all the monies which shall be remaining in the hands of the overseers of the poor of the several townships of Chester and Lancaster counties respectively, at the time when the first county poor tax shall be assessed, levied and collected, shall be paid over by the said Overseers to the supervisors of the highways of their respective townships, to be by them applied towards the repairing of the roads therein.

When the office of Overseer of the Poor in Chester and Lancaster shall be abolished.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That as soon as the poor of the counties of Chester and Lancaster shall be removed to the respective houses of employment of the said counties, the office of Overseer of the poor within the said counties shall from thenceforth be abolished.

Compensation of the Clerks of the Courts of Quarter Sessions.

SECT. XV. *And be it further enacted by the authority aforesaid,* That for the services enjoined on the Clerks of the Courts of Quarter Sessions and of Common Pleas of the counties of Chester and Lancaster by this act, he shall be entitled to exhibit his accounts to the county commissioners of the said counties respectively, who shall examine and allow the same, and draw on the county Treasurer for the amount thereof, as is usual in the case of other accounts.



**SECT. XVI.** *And be it further enacted by the authority aforesaid,* 1798.  
That so much of the laws of this commonwealth, relating to the poor of the counties of Chester and Lancaster, as is by this act altered or supplied, and no more, be, and the same is hereby repealed. (d)

Repeal of  
parts of  
former laws,  
hereby sup-  
plied.

Passed 27th February, 1798.—Recorded in Law Book No. VI. page 218.

(d) By a supplement to this act, the directors of each of the counties respectively were empowered to sell certain parts of the lands they had purchased, and apply the proceeds to maintain the poor, and erect proper buildings; and the commissioners were directed to compensate the persons appointed by the act in the text, for the services rendered by them, 9th Feb'y, 1799, (chap. 2006)

By an act passed 30th January, 1804, (chap. 2405,) the directors respectively, or a majority of them, are authorized to bind out poor children, apprentices.

By an act passed 31st March, 1807, (chap. 2785,) the directors of these counties respectively shall furnish to the county commissioners, annually, an estimate of the sum wanted for the use of the poor, which is to be assessed and collected in addition to the county tax, which shall be paid by the county treasurer to the directors, on warrants of the county commissioners.

If on the death of any pauper, in either of the said houses of employment, &c. it should appear that such pauper died possessed of property, the

same shall be recovered by, and vested in the directors, to be by them applied to the support of such institutions respectively; provided that it shall be their duty to give public notice thereof, and pay over the same, first deducting the expenses incurred on account of such pauper, to the heirs or legal representatives, if the same shall be claimed within three years after the death of such person.

By act of 22d December, 1810, the directors of the poor of the county of Chester, shall annually publish in the county news-papers a detailed statement of the receipts and expenditures on account of the institution. The number of directors shall be reduced to three, two to be a quorum. The salary to be forty dollars a year, with an additional compensation for attending suits, &c. The office of Treasurer is abolished, and the duties of clerk, shall be performed by the steward of the house, whose salary, including the matron's, shall not exceed four hundred dollars a year, and all monies appropriated for the establishment, shall be paid by the county Treasurer, only on orders drawn on him by the directors thereof.

## CHAPTER MDCCCCLXII.

*An ACT to enable the Governor of this commonwealth to incorporate a company, for the purpose of improving the navigation of the river Lehigh.*

**SECT. 1.** [COMMISSIONERS appointed to receive subscriptions. Notice to be given. Subscriptions, when and how to be made, and to what amount. When the books shall be closed, and proceedings thereupon. How shares shall be apportioned, in case more are subscribed for than the law prescribes. Advance to be paid by the subscribers. Expense of the business, how to be defrayed; and the subscriptions paid over. 2. Proceedings to obtain a patent of incorporation. The style of the corporation to be "The President and Managers of the Lehigh Navigation Company;" and to have the usual corporate powers. 3. Power to clear the navigation of the Lehigh. 4. Proceedings to organize the corporation, and choose corporation officers. Limitation of the votes of the subscribers. 5. Time and place of meeting; and power of the corporation to make by-laws prescribed. 6. Certifi-

1798. cates of shares, how to be issued; and how transferable. 7. Vacancies in offices, to be supplied by the President and Managers, who shall employ superintendants and workmen. 8. Payments of subscriptions, how to be regulated. Notice thereof. Penalty on neglect to pay; and when shares shall be forfeited by reason of non-payment. 9. Proceedings to clear the Lehigh; and when the navigation thereof shall be declared free. 10. When and how the company shall be entitled to take toll. 11. Proceeding to examine the work for every ten miles of distance. Places for taking tolls to be thereafter fixed. 12. Collectors of tolls to be appointed. How tolls shall be demanded. Limitation of the rates of tolls. 13. Proceedings to ascertain the size and tonnage of boats and rafts with consent of the owner, skipper or supercargo; to be marked on the rafts or vessels. 14. Power of the collectors to stop vessels, &c. for tolls; or to distrain for the amount. Proceedings in case of distress. 15. Penalty on passing, without paying toll. 16. Official bonds may be taken from the officers of the corporation. 17. Accounts of the corporation, how to be kept; and when to be submitted to the stockholders. How and when the capital stock may be augmented; and new subscribers admitted. 18. How accounts shall be kept, and dividends declared half yearly. 19. An account to be laid triennially before the Legislature. In what case the tolls may be encreased; and when the tolls shall be diminished. 20. Penalty on injuring the works, or impeding the navigation, &c. 21. A lottery authorized, in aid of the improvement. 22. The scheme to be laid before the Governor; and security to be given by the Managers. 23. When commissioners shall be appointed to draw the lottery. 24. Duty of the commissioners; and their compensation. 25. Time limited for demanding prizes. 26. Times limited for commencing and completing the object of the incorporation.]

Passed 27th February, 1798.—Recorded in Law Book No. VI. page 223.

## CHAPTER MDCCCCLXIII.

*An ACT to authorize the Governor of this commonwealth to incorporate a company, for erecting a permanent bridge over the river Schuylkill, at or near the city of Philadelphia.*

SECT. 1. [COMMISSIONERS appointed to receive subscriptions for erecting a bridge over Schuylkill. Payment to be made on subscribing. Appropriation of the amount. 2. Proceedings to incorporate the subscribers. Style of the corporation to be "The President, Directors and Company for erecting a permanent bridge over the river Schuylkill, at or near the city of Philadelphia," and to have the usual corporate powers. 3. Proceedings to organize the corporation. President, Director and Treasurer to be chosen. Limitation of the number of votes. 4. Meetings of the stockholders. 5. Certificates of shares to be issued; which shall be transferable. 6. How the place for erecting the bridge shall be fixed, and the property therein purchased. 7. Times and places for the meetings of



the President and Directors. They shall keep books. Their power to employ and pay agents and workmen. They shall within five years erect the bridge. General description of the bridge. 8. Penalty for neglecting to pay the requisition on shares. 9. Accounts of all receipts and disbursements shall be regularly kept. To be submitted annually to the stockholders. When and how the number of shares may be increased. Surplus monies to be refunded. 10. The property of the bridge vested in the corporation for twenty-five years. Their power to take toll, and rates thereof. Proviso, as to private rights and property, and the navigation of the river. Fund established for redemption of the bridge, and rendering it free. Private donations for that purpose. The bridge may be redeemed before the expiration of the twenty-five years, if the fund is sufficient; or afterwards by authority of the legislature, upon terms. Appraisement of the bridge, &c. 11. Two oxen to be estimated equal to one horse. Penalty on exacting greater tolls than the law allows. 13. Of keeping accounts and declaring dividends. 14. An abstract of the accounts to be laid before the Legislature. 15. Limitation of time for commencing and completing the bridge, (extended five years, by act of 22d January, 1803.) 16. Penalty on injuring the works and bridge. And, on impeding the passage over the bridge.] 1798.

Passed 16th March, 1798.—Recorded in Law Book No. VI. page 233.

## CHAPTER MDCCCCLXIV.

*A SUPPLEMENT to an act, entitled “An Act to prevent the exportation of bread and flour not merchantable, and for repealing, at a certain time, all the laws heretofore made for that purpose.”* [Original act, (chap. 925.) vol. 1, page 523, and see the notes thereto.]

**WHEREAS** it has been represented that the manner of collecting the fees for the inspection of flour is inconvenient, and frequently occasions loss to the Inspector :

**SECT. I.** *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the Inspector of flour for the city and county of Philadelphia, be, and he is hereby authorized to demand and receive payment of the said fees of inspection from the owner or owners, his, her or their agents or factors, or other persons in possession of the said flour, at the time of inspection; and that the said owner or owners, his, her or their agents or factors, or other persons in possession of the said flour, shall pay to the said Inspector the full amount of the fees due and owing for the said inspection. Fees of the Inspector of flour for the city and county of Philadelphia.

**SECT. II.** *And be it further enacted by the authority aforesaid, That* the owner or owners, his, her or their agents or factors, or other persons in possession of the said flour at the time of inspection, so paying the fees of inspection, are hereby authorized to demand and receive the said fees of inspection from the persons purchasing from the owner or owners, his, her or their agents or fac- Fees, by whom to be paid, and how to be charged on sale of the flour.

1798. } tors, or other persons in possession of the flour so inspected; and that the said fees of inspection, so paid, shall be a charge on the sale of the said flour by the owner or owners, his, her or their agents or factors, or other persons in possession after its inspection, distinct and separate from the price agreed on for the said flour.

Passed 16th March, 1798.—Recorded in Law Book No. VI. page 247.

## CHAPTER MDCCCCLXVII.

*A SUPPLEMENT to the act establishing an explicit fee bill.*

[Ante, page 249, chap. 1852.]

Fees of the Inspector of staves and heading augmented.

\*[Made perpetual, post. (chap. 2125.) see act of 20th March, 1810.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the inspector of staves and heading shall be entitled to receive from the exporter of the same for every customary thousand thereof, thirteen cents, in addition to the fees now allowed, and that this act shall continue in force two years, and thence until the end of the next session of the General Assembly.\**

Passed 16th March, 1798.—Recorded in Law Book No. VI. page 246.

## CHAPTER MDCCCCLXIX.

*An ACT to enable the owners and possessors of the Bristol-Island meadows, in the township of Bristol, and county of Bucks, to keep the banks, dams, sluices and flood-gates in repair, and to raise a fund to defray the expenses thereof.*

SECT. 1. [MANAGERS and Treasurer of the Bristol-Island meadows, how to be chosen. Surveyors, how to be chosen. The map of survey to be recorded. 2. Duties of the Managers. Expense of repairs, how to be paid. The managers to inspect the banks, &c. quarterly. 3. Money to be raised, to defray the expense of keeping the premises in repair. 4. Managers and treasurer, how to be hereafter chosen. 5. Penalty on Managers elected refusing to serve. Vacancy in the office of Treasurer, how to be supplied. 6. Duties of the Treasurer. 7. List of persons liable to be assessed, how to be made; and proceedings thereon. 8. Proceedings, in case persons assessed shall neglect or refuse to pay. 9. Suits not to abate by death of the Treasurer. 10. Remedy for persons aggrieved, by reference and award. 11. Penalty on injuring the banks and other works. 12. Power to make by-laws.]

Passed 16th March, 1798.—Recorded in Law Book No. VI. page 253.

## CHAPTER MDCCCCLXX.

*An ACT to erect part of Quemahoning township, in Somerset county, into a separate election district.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That*



all the north part of Quemahoning township, in Somerset county, 1798.  
 from a line running due west from the Bedford county line, on the  
 summit of Allegheny mountain, so as to intersect Stoney creek at  
 the mouth of Mill creek, to the Westmoreland county line, on the  
 Laurel hill, is hereby erected into a separate election district, to be  
 called the fifth election district; and the freemen thereof shall hold  
 their elections at the house now occupied by Miles Philips, in the  
 town of Beula.

The fifth  
 election dis-  
 trict in Som-  
 erset county  
 erected.

Passed 16th March, 1798.—Recorded in Law Book No. VI. page 247.

## CHAPTER MDCCCCLXXI.

*An ACT declaring Pine creek, in the county of Lycoming, a public stream and highway.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That,* from and after the passing of this act, Pine creek, in the county of Lycoming, from the mouth up to the third fork thereof, be, and the same is hereby declared to be a public stream and highway, for the passage of boats and rafts, under the limitations and restrictions hereinafter specified; and it shall and may be lawful for the inhabitants desirous of using the navigation of the said creek to remove all natural and artificial obstructions, from the mouth thereof up to the third fork of the same; and also to erect such slopes at the mill-dam now built on the said creek, as may be necessary for the passage of rafts or boats; provided such slopes shall be so constructed as not to injure the works of said dam.

Pine creek  
 declared a  
 public high-  
 way.

SECT. II. *And be it further enacted by the authority aforesaid,* That nothing in this act contained shall be deemed, taken or understood to prevent any person or persons possessing land on said creek, who before the passing of this act had authority under the laws of this commonwealth to erect a dam or dams, from erecting such dam or dams; provided that such dam or dams be so constructed and kept in repair by the owner or owners thereof, with complete slopes or locks on convenient parts of such dams as that the navigation for boats and rafts will not be injured thereby.

Persons  
 heretofore  
 authorized  
 may erect  
 dams.

Passed 16th March, 1798.—Recorded in Law Book No. VI. page 249.

## CHAPTER MDCCCCLXXIII.

*An ACT to grant a sum of money to the Trustees of the academy and free school of Bucks county.*

SECT. 1. [GRANT to the academy of Bucks county of four thousand dollars.]

SECT. II. *And be it further enacted by the authority aforesaid,* That the said Trustees shall teach, or cause to be taught, *gratis*,  
 Poor scho-  
 lars to be  
 there taught.

1798. in the said academy, as many poor scholars as may be offered ;  
provided the number does not exceed ten at any one time.

Passed 16th March, 1798.—Recorded in Law Book No. VI. page 247.

## CHAPTER MDCCCCLXXIV.

*An ACT to afford relief to Pittsburgh academy, in the county of Allegheny.*

SECT. 1. [GRANT to the Pittsburgh academy of five thousand dollars.]

Poor scholars to be there taught.

SECT. II. *And be it further enacted by the authority aforesaid,* That there shall be admitted into the said academy any number of poor students, who may at any time be offered, in order to be taught *gratis*; provided the number so admitted and taught shall at no time be greater than ten, and that none of the said students shall continue in the said academy longer than two years, if others should apply for admittance.

Passed 16th March, 1798.—Recorded in Law Book No. VI. page 315.

## CHAPTER MDCCCCLXXV.

*An ACT for erecting part of the county of Northampton into a separate county.*

WHEREAS the inhabitants of the northern part of Northampton county have, by their petitions, set forth to the General Assembly of this state the great hardships they labour under, from being so remote from the present seat of justice and the public offices :

Part of Northampton erected into Wayne county.

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That all that part of Northampton county, lying and being to the northward of a line to be drawn and beginning at the west end of George Michael's farm, on the river Delaware, in Middle Smithfield township, and from thence a straight line to the mouth of Trout creek, on the Lehigh, adjoining Luzerne county, shall be, and the same is hereby declared to be erected into a county, henceforth to be called Wayne.

The rights of the inhabitants of the new county.

SECT. II. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said county of Wayne be entitled to, and shall at all times hereafter have, all and singular the courts, jurisdictions, officers, rights and privileges, to which the inhabitants of other counties of this state are entitled by the constitution and laws of this commonwealth.

The courts of Wayne county.

[SECT. III. *And be it further enacted by the authority aforesaid,* That from and after the first day of September next, the Courts of Common Pleas and General Quarter Sessions in and for the said



county of Wayne shall be opened and held at the house now occupied by George Buchanan at Milford, in the said county of Wayne, until a court-house shall be erected in and for the said county, as herein after directed, and shall then be held at said court-house.] 1798.  
where to be held.  
[Obsolete.]

SECT. IV. *And be it further enacted by the authority aforesaid,* That no suit or prosecution which has been heretofore commenced, or which shall be commenced in the courts of the county of Northampton before the first day of September next, shall be delayed, discontinued, or affected by this act, but the same shall be issued and done of all such judgments by the Sheriff and Coroner of Northampton county, as if this act had not been made.  
Provision for continuing all process depending in Northampton county.

SECT. V. *And be it further enacted by the authority aforesaid,* That all taxes, and arrears of taxes, laid, or which have become due within the county of Wayne, before the passing of this act, and all sums of money due to this commonwealth for militia fines in the said county of Wayne, shall be collected and recovered, as if this act had not been made.  
Taxes and militia fines in Wayne county, how to be collected.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the Sheriff, Treasurer and Prothonotary, and all such officers, as have heretofore usually given surety for the faithful discharge of the duties of their respective offices, who shall hereafter be appointed or elected in the said county of Wayne, before they, or any of them, shall enter on the execution thereof, shall give sufficient security, in the same manner and form, and for the same uses, trusts and purposes, as such officers for the time being are obliged by law to do in the county of Northampton.  
Officers of Wayne county to give security.

[SECT. VII. *And be it further enacted by the authority aforesaid,* That the Sheriff, Coroner, and other officers of the county of Northampton, other than the Justices of the Peace, shall continue to exercise the duties of their respective offices within the county of Wayne, until similar officers shall be appointed, agreeably to law, within the said county.]  
Officers of Northampton county, till new officers are appointed.  
[Obsolete.]

[SECT. VIII. *And be it further enacted by the authority aforesaid,* That the inhabitants of the county of Northampton and of the county of Wayne shall jointly elect four Representatives, and one Senator, to serve in the Legislature of this commonwealth, in the same mode, under the same regulations, and make return in the same manner, as is or shall be directed by the laws of this commonwealth for conducting and making returns of the elections of the county of Northampton, any thing in this act to the contrary notwithstanding.]  
Representatives and Senators for Wayne county how to be elected.  
[Supplied.]

[SECT. IX. *And be it further enacted by the authority aforesaid,* That the Governor be, and he is hereby, authorized and required to appoint three Commissioners, who, or a majority of them, shall meet at the house of George Michael, in Middle Smithfield township aforesaid, on the first Monday in September next, and proceed to run the boundary line between the county of Northampton and the county of Wayne, for which service the said Commissioners shall have and receive three dollars *per diem*, and a reasonable allowance for their expenses, for every day they shall be employed in the said service, to be paid by warrants drawn by the county Commissioners on the Treasurer of Northampton county.  
Commissioners to be appointed for running the boundary between Northampton and Wayne counties.  
(Obsolete.)

1798.

[SECT. X. *And be it further enacted by the authority aforesaid,* That Daniel Strowd, Abraham Horn, John Molhallon, Samuel C. Seely, and Samuel Stanton, of the counties of Northampton and Wayne, be, and they are hereby appointed Trustees for the county aforesaid, with full authority for them, or a majority of them, to fix on the most eligible spot for the seat of justice in and for the said county, and to purchase or take and receive, by grant, bargain or otherwise, any quantity or quantities of land within the said county, and to survey and lay out the same in town and out-lots; and they or a majority of them, are hereby authorized to sell at public auction, after due notice given in the public newspaper of the borough of Easton, and convey, in fee-simple, clear of any reservations whatsoever, so many of said town lots and out-lots as they may think proper, and with the money so arising from the sale of said lots, and with other monies to be duly assessed, levied and collected, within the said county of Wayne, for that purpose, to pay for the lands thus purchased, and to build or erect a court-house and gaol, suitable and convenient for the public, on such of the town lots as aforesaid as shall have been reserved for that purpose; and the said Trustees shall have and receive three dollars *per diem* for their services, out of the monies to be raised in pursuance of this act; and shall from time to time render true and faithful accounts of the expenditures of the same, not only to the Commissioners, but to the Auditors of accounts for the said county of Wayne for inspection, adjustment and settlement.]

Trustees appointed to fix the place for holding courts, &c. in Wayne county.

Their compensation and duty to account.

(Obsolete and supplied.)

The Commissioners empowered to take assurance of a lot for public buildings.

How the expense shall be defrayed.

(Obsolete.)

The county of Wayne attached to the third district of Common Pleas.

When the Courts shall be held.  
(Altered.)

Election of members of Congress for Wayne county.  
(Supplied.)

Jurisdiction of the Sa-

[SECT. XI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Commissioners of the said county of Wayne, which shall be elected at the next annual election, to take assurance to them, and their successors in office, of such lot or piece of ground, as shall have been approved of by the Trustees appointed as aforesaid, or a majority of them, for the purpose of erecting thereon a court-house, gaol and offices for safe keeping of the records; and that for defraying the expenses thereof the said county Commissioners are hereby authorized to assess, levy and collect, in the manner directed by the acts for raising county rates and levies, a sum, not exceeding two thousand dollars.]

[SECT. XII. *And be it further enacted by the authority aforesaid,* That the aforesaid county of Wayne shall be, and is hereby declared to belong to the third district, consisting of the counties of Berks, Northampton, Luzerne, Northumberland, and Lycoming, and the President of the Court of Common Pleas within the said district shall be the President of the Courts of Common Pleas of the said county; and that the Courts of Common Pleas and Quarter Sessions shall be held on the Mondays next after those of Lycoming county.]

SECT. XIII. *And be it further enacted by the authority aforesaid,* That the said county of Wayne shall form a part of the district composed of the counties of Montgomery, Bucks and Northampton, for the election of members of Congress.]

SECT. XIV. *And be it further enacted by the authority aforesaid,* That the Judges of the Supreme Court shall have the like powers,



jurisdictions and authorities, within the said county of Wayne, as by law they are vested with and entitled to have and exercise in other counties of this state.

SECT. XV. *And be it further enacted by the authority aforesaid,* That where the division line shall divide a township, the part of the township thus divided which will remain in Northampton county shall be a township, and the part of the township thus divided which may be in the county of Wayne shall be a township, and retain its original name, until the same shall be altered by the Courts of Quarter Sessions of the said counties respectively.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That that part of Middle Smithfield, which will lie in the county of Wayne, and Delaware township, in the county aforesaid, are hereby erected into a separate election district, and that the electors thereof shall hold their annual election at the house now occupied by William Smith, in Delaware township aforesaid.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That the townships of Matlack and Upper Smithfield, in the said county, are hereby erected into a separate election district, and the electors thereof shall hold their annual elections at the house now occupied by George Buchanan, in Upper Smithfield township aforesaid.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That that part of Wayne county, not included in the above mentioned districts, is hereby declared to be a separate election district, and the electors thereof shall hold their annual elections at the house now occupied by Elijah Dix. (e)

Passed 21st March, 1798.—Recorded in Law Book No. VI. page 241.

(e) By act of 1st April, 1799. The place of holding the courts in this county, was fixed at *Wilsonville* in Palmyra township, until suitable public buildings should be erected, at a suitable spot, within four miles of the Dyberry forks of Lackawaxen river, in said township, as the trustees appointed in said act should agree on; (chap. 2036.)

But by an act passed 5th April, 1802, (chap. 2281.) The seat of Justice was transferred from *Bethany* to *Milford* for three years and no longer; and certain individuals were to erect temporary public buildings at their own charge; and the act of 1st April, 1799, was suspended for three years.

By an act passed 11th February, 1803, (chap. 2320,) the Commissioners of Wayne county, were directed to settle the accounts of the Trustees appointed by the act of 1st April, 1799. After which settlement, and payment of any monies due to the Trustees, the board of Trustees was to be dissolved, and their powers vested in the county Commissioners; and the Trustees are directed to convey to them, in trust, &c. all the lands remaining unsold, conveyed to them for the purposes of erecting public buildings at *Bethany*.

The courts having been re-transferred to *Bethany*, complaints were made to the Legislature of the inconvenience of the situation; and by an act passed 19th March, 1810, the Governor is authorized to appoint three Commissioners to fix on a place for the seat of justice, at, or within five miles of the territorial centre of the county and certain duties are enjoined upon the Commissioners with respect to the grant of lands, &c. for the use of the county. The county Commissioners are directed to lay out a town, sell lots, erect public buildings, &c.; and as soon as they are completed, the public offices, prisoners, &c. are to be removed from *Bethany* to said place.

The Commissioners appointed by this act, have fixed on a place called *Bloomington Grove* for the permanent seat of justice for *Wayne* county.

The fourth election district erected by act of 1st December, 1800, (chap. 2141.)

Buckingham, Damascus, and part of Lackawaxen townships, erected into a separate district, by act of 25th February, 1803, (chap. 2326.)

Dyberry and part of Canaan townships, erected into a separate district,

1798.

preme Court in Wayne county. Provision in case the division line between Wayne and Northampton shall divide a township.

Part of Middle Smithfield erected into an election district.

Matlack and Upper Smithfield erected into an election district.

The part of Wayne county not included in those districts, made a separate district.

1798. by act of 4th April, 1805, (chap. 2599, § 18.)

Canaan township, erected into a separate district by act of 28th March, 1808, (chap. 2972, § 9.)

Buckingham township erected into a separate district, (*ib.* § 37.)

Delaware township erected into a separate district, by act of 4th April, 1809, (§ 34.)

By the last enumeration, the county of Wayne contained seven hundred and seventy-seven taxables, and the county of Northampton six thousand three hundred and fifty-three taxables; total seven thousand one hundred and thirty taxables; and by act of 21st March, 1808, apportioning the representation,

in pursuance thereof, Northampton and Wayne, jointly, send two members to the Senate, and five members to the House of Representatives.

By act of 24th February, 1806, Berks, Northampton and Wayne, form the third judiciary district. The courts in Berks are held on the first Mondays in January, April, August, and November; in Northampton the second Mondays after the commencement of the courts in Berks, and in Wayne on the second Mondays after the commencements of the courts in Northampton. The term in each county continuing two weeks.

Wayne county is attached to the eastern district of the Supreme Court.

## CHAPTER MDCCCCLXXVI.

*An ACT declaring the rivers Ohio and Allegheny, and certain branches thereof, public streams or highways.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted, by the authority of the same, That from and after the passing of this act, the river Ohio, from the western boundary of the state up to the mouth of the Monongahela, Big Beaver creek, from the mouth up to the first fork in the seventh district of donation land, the Allegheny river, from the mouth to the northern boundary of the state, French creek to the town of Le Boeuf, and Conewango creek, from the mouth thereof to the state line, Causawago creek, from the mouth up to the main forks, Little Coniate creek, from the mouth up to the inlet of the Little Coniate lake, Toby's creek, from the mouth up to the second fork, Oil creek, from the mouth up to the main fork, Broken Straw creek, from the mouth up to the second fork, Sandy Lick or Red Bank creek, from the mouth up to the second great fork, be, and the same are hereby declared to be, public streams and highways, for the passage of boats and rafts; and it shall and may be lawful for the inhabitants or others, desirous of using the navigation of the said river and branches thereof, to remove all natural obstructions in the said river, and branches aforesaid.*

Passed 21st March, 1798.—Recorded in Law Book No. VI. page 245.

## CHAPTER MDCCCCLXXVII.

*An ACT to provide for copying the records of the several roads heretofore laid out, and which hereafter may be laid out, in the county of Philadelphia.*

WHEREAS it hath been represented to the Legislature, that the records of roads within the county of Philadelphia have, from

Parts of the Ohio, Big Beaver creek, French creek, Conewango creek, Causawago creek, Little Coniate creek, Toby's creek, Oil creek, Broken Straw creek, and Sandy Lick creeks, declared highways.



the lapse of time and unavoidable accidents, been much injured, and are in danger of becoming unintelligible: For remedy whereof, 1798.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the Commissioners of the county of Philadelphia be, and they are hereby authorized and required forthwith to furnish the Clerk of the General Quarter Sessions of the Peace for the said county with one or more blank paper books, in which it shall be the duty of the said Clerk to copy or cause to be copied, all the records of the several roads heretofore laid out, or which hereafter may be laid out, in the said county; and the expense incurred in the purchase of the said book or books, and in copying therein the said records, shall be defrayed by the said Commissioners out of the county stock.

Copies to be made of the records of roads in Philadelphia county.

SECT. II. *And be it further enacted by the authority aforesaid,* That the copies of the said records having been entered in one or more books as aforesaid, and carefully collated with the originals by the said Clerk, and a certificate thereof laid before the Court of General Quarter Sessions of the Peace for the county of Philadelphia, as aforesaid, shall from thenceforth be considered as matter of record, and all exemplifications therefrom shall have the same force and effect, as if the same were made from the original records.

Such copies shall be deemed matters of record.

Passed 21st March, 1798.—Recorded in Law Book No. VI. page 245.

## CHAPTER MDCCCLXXVIII.

*An ACT to confirm that part of the road laid out from Philadelphia to the borough of York, by West-Chester, Strasburgh, and the Blue Rock, which lies between Fawks's tavern and West-Chester.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* so much of the road laid out from Philadelphia to the borough of York, by West-Chester, Strasburgh, and the Blue Rock, as lies between Fawks's tavern and West-Chester, is hereby confirmed, agreeably to the review and report made and filed in the office of the Secretary of this commonwealth, bearing date the eighteenth day of November, one thousand seven hundred and ninety-six, by virtue of an act of General Assembly, passed the fourth day of April, one thousand seven hundred and ninety-six; and the Courts of Quarter Sessions of the respective counties, through which the said road passes, are hereby authorized and required to cause the same to be opened, agreeably to the said report, and the existing laws of this commonwealth.

The report of a road between Fawks's tavern and West-Chester confirmed.

Passed 21st March, 1798.—Recorded in Law Book No. VI. page 246.

1798.

## CHAPTER MDCCCLXXX.

*An ACT for running and ascertaining certain lines of the counties of Bedford, Huntingdon, Somerset, and Westmoreland.*

Commissioners to be appointed for running part of the boundary between Bedford and Huntingdon;

and also between Huntingdon and Somerset.

Part of the line between Westmoreland and Somerset to be marked.

Duplicate plots to be made, and deposited in the Recorder's office of each county.

Expenses of this act, how to be defrayed.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the Governor shall be, and he is hereby authorized to appoint three Commissioners, for the purpose of running, marking and ascertaining part of the lines between the counties of Bedford and Huntingdon, according to the following boundaries, that is to say; beginning at the Old Gap in Sideling-Hill, where Sideling-Hill creek crosses the same; thence in a straight line, by the northerly side of Sebastian Shoup's mill, on the Raystown branch of Juniata; thence in a straight line to the Elk Gap, in Tussey's mountain.*

SECT. II. *And be it further enacted by the authority aforesaid, That the said Commissioners shall mark, run and ascertain part of the lines between the counties of Huntingdon and Somerset, according to the following boundaries, that is to say; beginning on that part of the line between the counties of Bedford and Huntingdon, near the southerly side of Blair's Mills, at the foot of the Allegheny mountain; thence across the said mountain, in a straight line, to and along the ridges dividing the waters of Conemaugh from the waters of the Clearfield and Chest creeks, to the line of Westmoreland county; thence by the same to the Old Purchase line, which was run from Kittanning to the west branch of the Susquehanna.*

SECT. III. *And be it further enacted by the authority aforesaid, That the said Commissioners shall mark, run and ascertain part of the lines between the counties of Westmoreland and Somerset, according to the following boundaries, that is to say; beginning where Black Lick intersects the said line or north end of Laurel-Hill; thence along the ridge of the said hill north eastward, so far as it can be traced, or until it runs into the Allegheny-Hill; thence along the ridge dividing the waters of Susquehanna and the Allegheny rivers to the purchase line, at the head of Susquehanna.*

SECT. IV. *And be it further enacted by the authority aforesaid, That the said Commissioners, or any two of them, shall make different duplicate plots of the lines so run, and shall lodge one of each thereof with the Recorder of deeds of each county bounded by the lines so run, in order to their being entered of record, from and after which the said lines shall be taken and deemed the boundaries of the said counties, so far as they extend.*

SECT. V. *And be it further enacted by the authority aforesaid, That the expenses attending the execution of the duties enjoined upon the Commissioners, so as aforesaid appointed, shall be paid by the respective counties bounded by the said lines, in equal proportion for those lines adjoining them, for which purpose the Commissioners of the respective counties are hereby authorized to draw warrants on the respective Treasurers, in favour of the said Commissioners appointed to run the lines aforesaid.*



## CHAPTER MDCCCCLXXXI.

1798.

An ACT to repeal an act, entitled "An act for raising, by way of lottery, the sum of sixty thousand dollars, for accomplishing the building a stone bridge over the river Schuylkill, at the borough of Reading, and for other purposes therein mentioned."

SECT. 1. [THE powers and duties of the commissioners dissolved, and the money for tickets sold, to be refunded. 2. Provision for settling their accounts. 3. Repeal of the former act.]

Passed 29th March, 1798.—Recorded in Law Book No. VI. page 258.

## CHAPTER MDCCCCLXXXII.

An ACT to annex part of Bedford county to the county of Franklin.

SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all that part of Bedford county, commonly called the little Cove, and lying eastward of a line to begin in the Maryland line, near the Great Cove, or Tuscarora mountain, thence running north easterly along the summit of the said mountain, until it intersects the present line between Bedford and Franklin counties, shall, from and after the passing of this act, be annexed to the county of Franklin, and shall, until otherwise ordered by the Court of Quarter Sessions for the said county, be considered as part of Montgomery township; and the electors thereof shall meet at the same place, and hold their general elections with the electors of the township aforesaid.

(See vol. 1, pa. 330, vol. 2, pa. 264.)

Part of Bedford annexed to Franklin county.

SECT. II. And be it further enacted by the authority aforesaid, That the commissioners of the counties of Bedford and Franklin, or at least one of the said commissioners from each county, shall meet, as soon as conveniently may be after the passing of this act, and employ a skilful Surveyor to run and mark, in a plain and legible manner, a line, under their direction, agreeably to the provisions of this act; and it shall be the duty of the said commissioners to make report of the course or courses, and distances of the said line, to the Courts of Quarter Sessions of their respective counties, there to remain of record, as the established line between said counties; and the expenses necessarily incurred in running and marking said line shall be paid out of the treasury of Franklin county, upon a warrant or warrants to be drawn by the commissioners of said county.

Provision for running and reporting the boundary line.

How the expense shall be defrayed.

Passed 29th March, 1798.—Recorded in Law Book No. VI. page 258.

## CHAPTER MDCCCCLXXXIX.

An ACT to prevent the disturbance of religious societies within the city of Philadelphia, during the time of divine service.

WHEREAS by a law of the late province of Pennsylvania, passed the sixth day of February, one thousand seven hundred and

1798. thirty-one, religious societies were enabled to purchase and to hold lands, for the purpose of erecting thereon churches and houses of religious worship, and all gifts, grants and purchases, made before that time, for the purpose aforesaid, are ratified and confirmed by the said law to the respective religious societies, for whose use the said lands were granted, and, under the faith and sanction of said law, sundry religious societies of different denominations have been induced to purchase certain pieces and parcels of ground, in such places as were most convenient in the said city, and have erected thereon, at great expense, churches and other houses of religious worship, and by the constitution of this commonwealth it is declared, "that all men have a natural and indefeasible right to worship Almighty God according to the dictates of their conscience." And whereas it would be nugatory to grant the said rights, without securing the peaceable and quiet enjoyment of them :

Power of religious societies to prevent carriages passing during the time of divine service.

SECT. I. *Be it therefore enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful to and for the religious societies aforesaid, and each and every of them, within the city of Philadelphia, and they are hereby authorized and empowered, and each and every of them is hereby authorized and empowered, by a suitable person or persons, by them for that purpose to be appointed, at the proper costs and charges of the said religious societies respectively, to extend and fasten so many chains across the streets, lanes or alleys, and in such place and manner, as may be sufficient to hinder and obstruct all coaches, coachees, chariots, chaises, waggons, and other carriages whatsoever, and all and every person or persons riding or travelling on horseback, from passing by the said churches or houses of religious worship during the time of divine service therein. *Provided always,* That the said chains, or any of them, be not extended and fastened across the said streets, lanes or alleys, or any of them at a greater distance from the said churches or houses of religious worship, than twenty feet from the corner nearest to the said chain: *And provided always,* That the said chains be not extended and fastened in manner aforesaid across the said streets, lanes and alleys, on any other days except Sundays, commonly called the Lord's day, nor on those days, until the commencement of divine service within the said churches or houses of religious worship respectively: *And provided also,* That the said chains shall be taken down and withdrawn before it is dark, and immediately after divine service shall be ended within the said houses of worship respectively.

Chains, how to be placed across streets.

Provision for fixing posts.

SECT. II. *And be it further enacted by the authority aforesaid,* That in all places where it shall be necessary to erect and fix posts in the ground, for the purpose of fastening thereto the chains to be extended across the streets, lanes and alleys, in manner aforesaid, the said posts shall be set up or fixed on the brick pavement or footway, as near as may be to the street, without inconvenience or injury to the same; and that previous to the setting up any post or posts for the purpose aforesaid, by order and direction of the said religious societies, the person or persons, employed to erect the same shall give notice thereof to some one of the street commissioners, who is



hereby required to attend in pursuance of such notice, and to superintend and direct the fixing and setting up said posts, so that they be least injurious to the streets, lanes and alleys aforesaid.

1798.

SECT. III. *And be it further enacted by the authority aforesaid,* That nothing in this act contained shall be construed to authorize the extending a chain or chains through or under the market-house or shambles in High-street; and where any house of religious worship shall be opposite the same, the chain or chains shall be extended on each side thereof, and fastened to the posts to be erected as aforesaid, and to some convenient part of the outside of the said shambles or stalls.

Chains not to be extended through the market-house.

SECT. IV. *And be it further enacted by the authority aforesaid,* That if any action or suit shall be commenced or prosecuted against any person, for or by reason of any thing done in pursuance of this act, every person so sued may plead the general issue, and give this act, and the special matter, in evidence.

This act may be given in evidence in suits, &c.

SECT. V. *And be it further enacted by the authority aforesaid,* That if any person or persons shall remove, or cause to be removed, the post or posts, chain or chains, to be erected or placed by virtue of this act, without consent of the religious society erecting or placing the same, every such person or persons, upon due proof of such offence before any Alderman of the said city, shall forfeit and pay the sum of thirty dollars, to be recovered as debts under twenty pounds are recoverable, to be applied to the use of the poor of the said city.

Penalty for removing chains or posts.

Passed 4th April, 1793.—Recorded in Law Book No. VI. page 285.

### CHAPTER MDCCCXCIII.

*A SUPPLEMENT to the act to enable the Governor to appoint Notaries Public, and for other purposes therein mentioned.*

[Ante. pa. 6.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the Governor be, and he is hereby, authorized to appoint two additional Notaries Public in the county of Philadelphia, one of whom shall hold his office only during the continuance of his residence in the district of Southwark, and the other shall hold his office only during the continuance of his residence in the Northern-Liberties, under the restrictions and provisions contained in the act to which this is a supplement, excepting only so much of the first proviso in the second section of the said act, as limits the number of Notaries to be appointed within the city and county of Philadelphia, which part of the said proviso, and no more, is hereby repealed.

The Governor empowered to appoint two additional Notaries Public.

Passed 4th April, 1798.—Recorded in Law Book No. VI. page 282.

### CHAPTER MDCCCXCIV.

*An ACT for altering and erecting certain election districts.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assem-*

1798. *bly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the townships of Barre and West, in the county of Huntingdon, shall be a separate election district, and shall be called the seventh district; and the freemen within the same shall hold their elections at the house now occupied by William Murry.

The seventh election district of Huntingdon.

Alterations in the Fifth and Third Election Districts of Huntingdon.

Place of holding elections.

A new election district erected in Berks county.

Erie and Irwin townships, in Allegheny, erected into an election district.

Two additional election districts erected in Allegheny county.

Proceedings to make out the general

SECT. II. *And be it further enacted by the authority aforesaid,* That so much of Morris township, in the county of Huntingdon, which lies within the following bounds, viz. beginning where the line of Morris and Tyrone townships intersects the Canoe mountain; thence along the said mountain to the head of the Fox Tavern run; thence down the said run, to the place where the same discharges itself into the Frankstown branch of the river Juniata, and which is now included in the Fifth Election District, be separated from the same, and be annexed to the Third Election District; and the freemen within the same shall hold their elections at the house now occupied by Captain Alexander Ramsey, junior, any law, usage or custom, to the contrary in any wise notwithstanding.

SECT. III. *And be it further enacted by the authority aforesaid,* That the townships of Brunswick and Manheim, in the county of Berks, be, and the same are hereby declared a separate election district; and the freemen thereof shall hold their general elections at the house now occupied by John Hammer, in Orwisburgh, in the township of Brunswick aforesaid, any law to the contrary notwithstanding.

SECT. IV. *And be it further enacted by the authority aforesaid,* That Erie township, in the county of Allegheny, shall, from and after the passing of this act, be erected into an election district; and the freemen of said district shall hold their elections at the house now occupied by James Baird, in the town of Erie; and that the township of Irwin, in the county aforesaid, shall, from and after the passing of this act, be erected into another election district; and the freemen of the said last mentioned district shall hold their elections at the house now occupied by John Andrews, in the town of Franklin.

SECT. V. *And be it further enacted by the authority aforesaid,* That so much of Allegheny county, as is herein after described, shall be a separate election district, beginning at the mouth of Big Sewickly creek; thence up the same to the line between Braden's and Alexander's districts; thence along the same to the division line between the depreciation and donation lands; and thence along the same to the state line; thence along said line to Ohio river; thence up said river to the mouth of Sewickly aforesaid; and the electors thereof shall hold their elections at the house now occupied by Samuel Johnston, of the town of Beaver; and that such parts of Allegheny county, as lies within Elder's district of depreciation lands, being part of the township of Deer, in the county aforesaid, shall be a separate election district; and the electors thereof shall hold their elections at the house now occupied by James McCormick, in the town of Freeport.

SECT. VI. *And be it further enacted by the authority aforesaid,* That when any general or special election shall be holden for the



county of Allegheny, the certificates thereof being made out agreeably to law by the judges of the several districts, shall be taken in charge, and produced by one or more of the Judges of each district, within four days after such election, in the general meeting of the judges of the county, at the court-house of the county; and the Judges so met shall add together the number of votes which shall appear to be given to any person and persons throughout the same, and shall otherwise proceed as is directed by law.

1798.

return of  
elections in  
Allegheny  
county.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the townships of Honeybrook, West-Nantmill, and Brandywine, in the county of Chester, be, and they are hereby erected into a separate election district; and shall be called the Eighth Election District; and the freemen residing therein, who may be qualified to vote for members of the Legislature, shall from henceforth hold their elections at the Stone School-House, near the Manor Meeting-House, in the township of Brandywine aforesaid.

The Eighth  
Election  
District of  
Chester  
county  
erected.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the township of West-Buffaloe, in Northumberland county, being part of the Third District, shall from and after the passing of this act, be struck off and separated from the said Third District: and the freemen within the said township shall hold their elections at the house now occupied by James Foster, in the town of Mifflinsburgh, in West-Buffaloe township, and be called the Fourth District; and the freemen of the Mohontongo township, and that part of Penn's township lying south east of the following line, to wit, beginning at Michael Warlin's ferry on Susquehanna; thence along the Buffaloe township line to Heisler's old mill, on Penn's creek; thence up the said creek to Southerland's mill; thence by a straight line to Peter Goltshalk's, on Middle creek; thence by a south line to the top of the Shade mountain; thence along the same to Mohontongo township line; being part of the Sixth District, shall be erected into a separate election district, to be called the Ninth District; and shall hold their elections at the house now occupied by Jacob Anderson, in the town of Selin's Grove, in Penn's township; and the freemen within the following bounds, to wit, beginning where Shoemaker's road crosses Muncy-hill, through Torbut township, along said road, passing James Harrison's, to Chillisquaque meeting-house; thence along the road leading to Danville, until it intersects the Mahoning township line; thence along said line to the north east branch of Susquehanna; thence up said river to the east end of James Cochran's plantation; thence northward, to the east end of John Wilson's plantation; thence along the road to Little Fishing creek, at John Buckalew's mill; thence up the said creek to the line of Lycoming county; thence along said line to the place of beginning; being part of the Second, Seventh, and Eighth Districts, shall be erected into a separate election district, to be called the Eleventh District; and shall hold their elections at the house of Daniel Berry, in the town of Washington, in Derry township; and the freemen of the township of Catawissa, being part of the Seventh District, shall be erected into a separate election district, to be called the Twelfth District, and hold their elections at the house now occupied by Isaiah Willet, in the town of Cata-

The Fourth  
Election  
District of  
Northumber-  
land county  
erected.

The Ninth  
Election  
District of  
the same  
county  
erected.

The Ele-  
venth Elec-  
tion District  
of the same  
county erect-  
ed.

The Twelfth  
Election  
District of  
the same  
county  
erected.

1798.

The Thirteenth Election District of the same county erected. The place of electing in Derry and Armagh townships changed.

The Sixth Election District of Washington county erected.

A new election district erected in Luzerne county.

wissa, in said township; and the freemen of Mifflin township, being part of the Seventh District, shall be erected into a separate election district, and be called the Thirteenth district, and shall hold their elections at the house now occupied by David Getling, in Mifflinsburgh, in said township.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the citizens of Derry and Armagh townships, in the county of Mifflin, who are authorized by law to hold their general elections at the house of Arthur Buchanan, shall from and after the passing of this act, hold such elections at the court-house in Lewistown, in the said county of Mifflin.

SECT. X. *And be it further enacted by the authority aforesaid,* That so much of the county of Washington, as is included within the limits herein after described, shall be a separate election district, to be called the Sixth District, beginning where the Washington and Allegheny county line crosses Robinson's run, on the waters of Chartier's creek; thence up said run, to and including the dwelling-house of John M'Donald; thence to the house known by the name of the Hickory tavern; thence along the road leading to Washington, as far as Thompson's mill, on the north-west branch of Chartier's creek; thence with a direct line to Pees's mill, on the south-east branch of said creek; thence along the road leading toward Andrew Armstrong's, until it intersects the line of Hamilton's district; thence along said line to the Washington and Allegheny county line; thence with said line to Robinson's run aforesaid; and the electors thereof shall hold their general elections in the Academy at Canonsburg.

SECT. XI. *And be it further enacted by the authority aforesaid,* That the part of Luzerne county contained within the following bounds, viz. beginning on the north line of the state, at the corner of Northampton and Luzerne counties; thence west, on a straight line, until it meets the stream called Wappasinia; thence southerly, up said stream, to the head thereof; thence continuing a south course, to the distance of twenty miles from the York line; thence east, to the line of Northampton county; thence north, on said line, to the place of beginning; shall be, and the same is hereby erected into a separate election district; and the inhabitants within the limits of the same shall hold their annual elections at the times, and in the manner prescribed by law, at the house now occupied by William Corbit, in said district, any thing in any law to the contrary notwithstanding.

Passed 4th April, 1798.—Recorded in Law Book No. VI. page 293.



## CHAPTER MDCCCXCIV.

1798.

An ACT for continuing the present salaries of the Judges of the Supreme Court, the Secretary of the commonwealth, and the Presidents of the Courts of Common Pleas. (f)

SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the Judges of the Supreme Court, the Secretary of the commonwealth, and the Presidents of the Courts of Common Pleas, shall continue to hold and receive the salaries at present allowed to them by law, as a compensation for their services.

Continuance of the salaries of the Judges and Secretary.

Passed 4th April, 1798.—Recorded in Law Book No. VI. page 293.

(f) The salary of the Chief Justice of the Supreme Court is £. 1000 per annum; of the Assistant Judges of the same £. 750 each, per annum; and four dollars a day each, for travelling expenses; of the Secretary of the commonwealth £. 750: and of the Presidents of the Courts of Common Pleas £. 600 each.—See ante. page 26, chap. 1563. The salary of the President of the first district is £. 750 per annum.

## CHAPTER MDCCCXCVII.

A further SUPPLEMENT to the act, entitled "An Act for making an artificial road from the city of Philadelphia to the borough of Lancaster." (Ante. page 82.)

FOR the more effectual preventing evasions of the salutary regulations intended in and by the act for making an artificial road from the city of Philadelphia to the borough of Lancaster:

SECT. I. Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That if any person or persons whatsoever, owning, riding in, or driving any sulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled, or other carriage of burthen or pleasure, or owning, riding, leading or driving any horse, mare, gelding, hogs, sheep, or other cattle, shall therewith pass through any private gate or bar, or along or over any private passage way or other ground, near to or adjoining any turnpike or gate erected, or which shall be erected, in pursuance of the act, to which this is a supplement, with an intent to defraud the company, and evade the payment of the toll or duty for passing through any such gate or turnpike; or if any person or persons shall, with such intent take off, or cause to be taken off, any horse, mare, gelding, or other cattle, from any sulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled, or other carriage of burthen or pleasure, or practise any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened: or if any person or persons having, claiming or taking the benefit of any exemption or privilege, by virtue of this act, or of the said recited act, or any clause, matter or thing herein or therein con-

Penalty for passing through private gates or bars, with intent to defraud the turnpike;

or taking horses, &c. from carriages;

or practising any other fraudulent device; or wrongfully claiming or abusing exemptions.

1798. tained, not being entitled thereto, or committing any fraud or abuse thereof, either by him, her or themselves, or by giving any licence to any other person or persons not entitled to such privilege or exemption, whereby, or by means whereof, the said tolls or duties might be lessened or evaded, or with any such intent; all and every person and persons, in all and every or any of the ways or manners aforesaid offending, shall for every such offence respectively, forfeit and pay to the President, Managers and Company of the Philadelphia and Lancaster turnpike road, any sum not less than four, nor more than fifteen dollars, to be sued for and recovered, with costs of suit, before any Justice of the Peace, in like manner, and subject to the same rules and regulations, as debts under twenty pounds may be sued for and recovered.

Penalty for  
defacing or  
breaking  
mile-stones  
or direction  
posts;

SECT. II. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully break, deface or pull up any mile-stone placed, or which shall be placed, in pursuance of the said recited act, on the side of the road laid out in pursuance thereof, or shall obliterate the letters or figures inscribed thereon, or therein; or if any person or persons shall break, pull down, destroy or injure any post erected, or to be erected, in pursuance of the said recited act, at the intersection of any road falling into and leading out of the said turnpike road, or the board or index-hand affixed thereto, in conformity to the directions of the said recited act; or if any person or persons shall obliterate the letters or figures inscribed or fixed thereon; or if any person or persons shall destroy or obliterate, or in any wise injure or deface the letters, figures, or other characters marked at any turnpike or gate erected, or to be erected, in pursuance of the said recited act, for all or any of the purposes therein mentioned, or the whole, or any part or parts of any printed list of the rates of tolls affixed, or to be affixed, in pursuance of the directions of the said recited act, at any such gate or turnpike; he, she or they so offending in the premises, shall, and each of them shall, for every such offence, severally and respectively forfeit and pay to the said President, Managers and Company, the sum of twenty dollars, to be sued for and recovered, with costs of suit, before any Justice of the Peace, in like manner as aforesaid.

or turnpike  
gates.

Scales and  
weights to  
be establish-  
ed at the  
turnpike  
gates.

SECT. III. *And be it further enacted by the authority aforesaid,* That for the purpose of ascertaining the weight that may be drawn along the said road in any cart, waggon, or other carriage of burthen, it shall and may be lawful for the said President, Managers and Company to erect and establish scales and weights, at or near such and so many of the gates erected, or to be erected, in pursuance of the said recited act, as they may think proper; and where there may seem reasonable cause to suspect that any cart, waggon, or other carriage of burthen, carries a greater weight than is or shall be by law allowable, for their toll-gatherers, or other persons in their service or employment, to prevent the same from passing such gate or turnpike, until such cart, waggon, or other carriage of burthen, shall be drawn into the scales fixed or erected at or near any such gate or turnpike, and the weight or burthen drawn therein ascertained by weighing; and if the person or persons driving or having care

When and  
how car-  
riages or  
burthen  
shall be  
weighed.



or charge of any such cart, waggon, or other carriage of burthen, shall refuse to drive the same into any such scales, for the purpose aforesaid, the person or persons so refusing shall forfeit and pay to the said President, Managers and Company, any sum not less than five nor more than ten dollars, to be recovered in the manner herein before mentioned. 1798.

Penalty on refusing to suffer the same to be weighed.

SECT. IV. *And be it further enacted by the authority aforesaid,* That if any action or suit shall be brought or prosecuted by any person or persons, for any thing done in pursuance of this or the said recited act, or former supplement thereto, in relation to the premises, every such suit or action shall be commenced within six months next after the fact committed, and not afterwards; and the defendant or defendants in such action or suit may plead the general issue, and give this and the said recited act, and former supplement, and the special matter in evidence, and that the same was done in pursuance and by the authority of this and the said recited act, and former supplement; and this act shall be and continue in force during the term of two years, and no longer. (g.)

Limitation of suits under the turnpike acts.

Pleadings in suits.

Passed 4th April, 1798.—Recorded in Law Book No. VI. page 277.

(g.) Extended for seven years, by made perpetual, by act of 11th April, act of 11th April, 1799, (chap. 2681.) 1807, (chap. 2853.)

## CHAPTER MDCCCXCVIII.

*An ACT limiting the time, during which judgment shall be a lien on real estate, and suits may be brought against the sureties of public officers.*

[See the act for prevention of frauds and perjuries, vol. 1, pa. 389.]

WHEREAS the provision heretofore made by law for preventing the risque and inconvenience to purchasers of real estate, by suffering judgments to remain a lien for an indefinite length of time, without any process to continue or revive the same, hath not been effectual: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That no judgment now on record in any court within this commonwealth shall continue a lien on the real estate of the person, against whom the same has been entered, during a longer term than five years, from and after the passing of this act, unless the person who has obtained such judgment, or his legal representatives, or other persons interested, shall, within the said term of five years, sue out of the court, wherein the same has been entered, a writ of *scire facias*, to revive the same.

Lien of judgments now on record.

SECT. II. *And be it further enacted by the authority aforesaid,* That no judgment hereafter entered in any court of record, within this commonwealth, shall continue a lien on the real estate of the person against whom such judgment may be entered, during a longer term than five years from the first return day of the term of which such judgment may be so entered, unless the person who

Lien of judgments hereafter entered.

1798. may obtain such judgment, or his legal representatives, or other persons interested, shall, within the said term of five years, sue out a writ of *scire facias*, to revive the same.

Proceedings  
on a *scire  
facias*, to  
revive a  
judgment.

SECT. III. *And be it further enacted by the authority aforesaid*, That all such writs of *scire facias* shall be served on the terre tenants, or persons occupying the real estates bound by the judgment, and also, where he or they can be found, on the defendant or defendants, his or their feoffee or feoffees, or on the heirs, executors or administrators of such defendant or defendants, his or their feoffee or feoffees; and where the land or estate is not in the immediate occupation of any person, and the defendant or defendants, his or their feoffee or feoffees, or their heirs, executors or administrators, cannot be found, proclamation shall be made in open court, at two succeeding terms, by the cryer of the court in which such proceedings may be instituted, calling on all persons interested to shew cause why such judgment should not be revived; and on proof of due service thereof, or on proclamation having been made in the manner herein before set forth, the court from which the said writ may have issued shall, unless sufficient cause to prevent the same is shewn at or before the second term subsequent to the issuing of such writ, direct and order the revival of any such judgment, during another period of five years, against the real estate of such defendant or defendants, and proceedings may in like manner be had again to revive any such judgment at the end of the said period of five years, and so from period to period, as often as the same may be found necessary.

Limitation  
of suits  
against sure-  
ties in offi-  
cial bonds.

SECT. IV. And whereas it is reasonable that persons entering into bonds or recognizances, as sureties for any public officers, should be exonerated from their responsibility within a reasonable term after such officers respectively shall die, resign, or be removed from office: Therefore, *Be it enacted by the authority aforesaid*, That it shall not be lawful for any person or persons whomsoever to commence and maintain any suit or suits on any bonds or recognizances, which shall hereafter be given and entered into by any person or persons, as sureties for any public officer, from and after the expiration of the term of seven years, to be computed from the time at which the cause of action shall have accrued; and if any such suit or suits shall be commenced, contrary to the intent and meaning of this act, the defendant or defendants respectively shall and may plead the general issue, and give this act and the special matter in evidence; and if the plaintiff or plaintiffs be non-suit, or if a verdict or judgment pass against him or them respectively, the defendant or defendants shall respectively recover double costs. (h)

Passed 4th April, 1798.—Recorded in Law Book No. VI. page 279.

(h) The editor has been favoured, by the reporter, with the following interesting case on the construction of this act, in the Circuit Court of the *United States*.

*Hurst v Hurst*.

This was a rule obtained by the executors of *Brownjohn*, and other creditors of *Charles Hurst* upon the Marshal, to bring into court the money levied upon an

execution of *Timothy Hurst* against *Charles Hurst*, to be disposed of among the applicants, according to the priority of their judgments.

The judgment of *Brownjohn* was obtained in the State Court of *Pennsylvania*, in 1787, upon which an execution issued in the same year, and sundry subsequent executions, of *venditioni ex-*



*ponas*, issued down to July, 1799, on which part of the debt was levied. The execution of *Timothy Hurst* issued upon a judgment recently obtained in this court.

The claim of *Brownjohn's* executors to the money brought into court, was opposed by *Wilson*, who obtained a judgment in this court against *Charles Hurst*, in April, 1791. The ground upon which a preference was claimed for this judgment, which was subsequent to that of *Brownjohn*, was, that the latter had lost his lien on the lands of *Hurst*, by his having omitted to sue out a *scire facias* in pursuance of the act of Assembly passed 4th April, 1798, declaring that no judgment now on record shall continue a lien beyond five years from that time, or from the time it is rendered, unless within that period a *sci fa.* be sued out and prosecuted in the manner prescribed by law.

*Washington, J.* This is a case of the first impression, and rising out of a state law. I have only to regret that it has fallen to the lot of this court, to give a construction to it, before it had been considered and decided upon by the Supreme Court of this state.

A number of cases have been quoted at the bar, which I do not think intirely applicable to this case; but as they seem to have a bearing upon it, it may be proper to notice them, and in so doing, I shall, to save time, arrange them in classes. They were read in order to prove that the enacting clause of a statute may be construed narrower than the words of it import.

The statute of inrollments 27 *Hen.* 8, gives rise to the first class. The cases under it prove, that though the statute declared, that no estate should pass by bargain and sale, unless inrolled in six months, yet that the deed is valid, except as to subsequent purchasers without notice. The reason of these decisions is obvious. The plain intention of the law was to remedy certain mischiefs which had resul ed from the statute of uses, which, by tolerating secret conveyances unknown to the common law, was productive of inconveniences to those who might afterwards become purchasers of the estate, without knowing of such former conveyances. But if the subsequent purchaser had notice of the prior conveyance, the reason for passing the statute did not apply.

It would require great ingenuity to give to these cases a shape which would throw light upon that now under consideration. They decide nothing as to creditors, and they depend upon the peculiar circumstances which produced

the law upon which they were founded.

Cases upon the statute of *Elizabeth*, to prevent fraudulent conveyances form the second class.

But it is to be remarked, that this statute extends by express words to creditors as well as purchasers, who are not bound, though they purchase with notice; and the reason is plain. The conveyance is fraudulent, and fraud, at common law, avoids every act.

These cases are therefore still more inapplicable than the former.

The third class relates to leases by ecclesiastical persons for a longer term than three lives, or 21 years. Such leases were considered as void only against the successors, because they alone were intended to be protected by the clear intention of the Legislature.

These cases only prove, that where the intention of the Legislature is plain, that intention will control the positive words of a statute; a position which is not denied, but which as applied to the present case is a begging of the question in dispute.

The registry act of *Anne* gives rise to the fourth class. That statute avoids all secret conveyances, not registered within a limited time, as to subsequent purchasers and mortgagees for valuable consideration.

The cases decide, that such deeds though not registered according to the requisitions of the act, are nevertheless good against purchasers with notice. The reason is, that if they have notice, the conveyance is not a secret one, and therefore not within the statute.

Next come a class of cases more apposite to the present, which will deserve more particular notice. I mean those determined upon the statute 4 and 5 *William and Mary* c. 20, for docketing judgments. It declares that judgments not docketed shall not affect lands as to purchasers or mortgagees, or have a preference against heirs and executors, so as to affect them, so likewise the statute of frauds, 29 ch. 2, declares that judgments shall be docketed when signed, and that the enrollment of recognizances shall be set down in the margin of the roll within a fixed time, and that as to *bona fide* purchasers for valuable consideration they shall be considered in law, as judgments only from the time they are so signed and set down, and shall not relate.

At common law we know that recognizances when enrolled related to the caption, and judgments to the first day of the term.

Let us now examine the decisions

1798.

which have been made upon this statute.

In *Saunders' Reports* 2d vol. part 1, pa. 9, note 6, it is stated that that part of this statute which respects the lien of judgments on lands is applicable only to purchasers, and not to judgment creditors, for that purchasers only are protected by the words of the law. That this is the case even as to that part of the statute which respects goods, which is general, and does not particularly mention purchasers. That the law is the same as to judgments under the statute of *William and Mary*, except that as to heirs and executors in the administration of the estate, judgments not docketed are considered as simple contract debts.

In the case of *Robinson v. Tonge*, 3 P. Wms. 399, it is said, that the statute of frauds concerns purchasers only and not creditors, who remain as at common law.

The case from Prec. Chan. 478, declares in effect the same principle; for a creditor advancing money on the credit of a judgment may well stand in a different situation from a general judgment creditor, since he may (in equity) be considered as a *quasi* purchaser or mortgagee.

I come now to consider the statute of frauds of this state, and the state decisions upon it. This statute passed in 1772, and as to judgments is an exact copy of the English statute of frauds. It enacts, &c. (see vol. 1, pa. 389.)

In *Hooton v. Will*, 1 Dallas 450. The court were unanimous, that a judgment related back so as to cut out a domestic attachment, which, it seems agreed, lays as firm hold of the land as any lien possibly can. In the case decided in the Common Pleas no regular judgment was pronounced.

In the case of *Welsh v. Murray*, 4 Dallas, 320, it was decided, that the judgment first entered must be first paid; which seems to shew, that the court considered that the statute of frauds of this state respecting the relation of a judgment, applied to judgment creditors as well as to purchasers.

Unless the latter case was decided upon the practice, of which some evidence was given, (and if it were, it will prove nothing as to construction, and will therefore be unimportant in the view which I shall take of this case,) it will be difficult, nor shall I attempt to reconcile it with that of *Hooton v. Will*. If the cases are in opposition to each other, I must resort to the English decisions on a statute precisely similar

to that of this state, which it appears confine the statute to the case of purchasers and do not extend to judgment creditors.

This principle being approved and adopted by this court, we come more immediately to the statute under consideration, when the importance of the principle in assisting the construction of the statute will be pointed out.

Let it be premised, that a literal and strict construction of the enacting clause cannot be insisted on. It would be too much to insist that a purchaser with notice of *Brownjohn's* judgment, or that *Hurst*, the defendant, could take advantage of the judgments not having been revived in the mode pointed out by the statute. This would be repugnant to the obvious intention of the law. We must then depart in some measure from the letter of the enacting clause.

I admit the soundness of the rule laid down by the opponents of *Brownjohn's* judgment, that the preamble is only to be resorted to, in order to explain an ambiguity appearing in the enacting clause. But this preamble is worthy of notice, as it refers to a former law which it is intended to render more effectual. The latter law has indeed been termed by the counsel for *Wilson*, a supplement to the former. The preamble requires us to consider it as such, though being in *pari materia*, they might, and ought to have been, considered together, were the preamble out of the question.

The law to which we are thus referred, is the act of frauds passed in 1772. Taking it in conjunction with the law under consideration, we at once discover the mischief and the remedy; not from the preamble alone, but from that and the enacting clause taken together.

What was the old law? That judgments should not relate back, or be a lien on lands, as against *bona fide* purchasers, or mortgagees, but from the time they were signed and enrolled.

The mischief which, notwithstanding this law, still existed was; that after a great length of time, purchasers might find it difficult to discover what judgments were outstanding so as to affect the land they wished to purchase. The lien extending to all the lands of the debtor, no person could safely know, what part he might safely purchase.

To remedy this evil, the last law requires the judgment creditor, within five years to sue out a *sci. fa.* and to give public notice of its existence that all the world may know what and where the judgment is.

But who are the persons for whose benefit this additional remedy is provi-



ded? Surely those in favour of whom the former law had been made, but which was not found to be effectual. To extend the law to other persons would be repugnant not only to the preamble, but to the enacting clause also, if we are to consider the two laws together, which is certainly proper. It would provide a remedy where none was intended.

How then do the two laws read together? Judgments shall be enrolled at the time they were signed, or they shall not by relation affect a *bona fide* purchaser or mortgagee, and as to *such persons* the lien of the judgment creditor shall cease, unless the judgment be revived in five years by a *sci. fa.* This reading produces a perfect harmony between the old and the new law.

That this was the intention of the law is further manifested from the third section of it, which, noticing those who may be interested, directs the *sci. fa.* to be served on the debtor or his representatives, his alienees and terretenants. If the judgment creditor had been an object of the law, and intended to be protected by it, why not have directed the writ to have been served on him who might as easily have been found as the alienee?

I think it not improper to make some general observations on the cases which I before noticed under classes.

In not one of them are creditors noticed, except in the following instances.

1. Those under the Statute of *Elizabeth*, against fraudulent conveyances, and in that creditors are specially mentioned.

2. Where the creditor is considered *quasi* purchaser, as where he advances money on the credit of the judgment, trusting to that as his security without notice of the prior judgment. *Prec. Chan.* 478. And that this distinction is closely observed appears from those decisions in equity, which establish even an *agreement to sell lands*, against a judgment creditor, and which prevent a prior judgment creditor from tacking it to a subsequent mortgage, though in the first case the agreement would not prevail against a mortgage, and in the latter, a prior mortgage obtaining a subsequent judgment may tack the latter to the former against an intermediate incumbrance, *Finch v. Winchelsea*, 1 P. Wms. 278. 2 Vez. 662-3. The reason is plain. The judgment, though a lien, is not a *specific* lien on the land, that is, the creditor did not go on the security of the land, but trusted to the general credit of the debtor and of his estate.

I am therefore of opinion, that the judgment of *Brownjohn* must prevail against the other judgment creditors. (*W. MSS. Reports.*)

An execution within a year and a day, continues the lien of a judgment, without resorting to a *scire facias*, under the act in the text. *Young v. Taylor*, 2 Binn. 218.

## CHAPTER MDCCCXCIX.

**A SUPPLEMENT** to the act, entitled "*An Act for establishing and building a bridge across Conestogoe creek, in the county of Lancaster.*" [Original act vol. 2, pa. 421.]

**SECT. 1.** [ABRAHAM WITMER empowered to build a bridge across Conestogoe creek. *Provided*, That the said Abraham Witmer, his heirs and assigns, shall and will, as soon as the new bridge is completed, remove the old bridge, and leave a passage of twenty feet on the said road, on the south side of the said new bridge, and at both ends thereof, for the use of all those who may think proper to pass and repass the said creek, without going over the said bridge: and that nothing herein contained shall be construed to enable the said Abraham Witmer, his heirs or assigns, to prevent, by the said erection, any person or persons, with or without horses, carriages, or cattle of any kind, from passing the said creek free from toll, according to the provisions of the act to which this is a supplement, unless the said Abraham Witmer, his heirs or assigns, shall cause a passage to be opened on the south side of the said old bridge, where-

Condition of the grant.

1798. by the aforesaid creek may be crossed free from toll, with as much safety and convenience as on the north side thereof.

SECT. 2. [Rates of toll, penalties, &c. as in original act. 3. Power of the Legislature to make the bridge free. 4. Partial repeal of the original act.]

Passed 4th April, 1798.—Recorded in Law Book No. VI. page 297.

## CHAPTER MM.

*An ACT to authorize the Governor of this commonwealth to incorporate a company, for erecting a bridge over the river Delaware, at or near Trenton.*

SECT. 1. [COMMISSIONERS to receive subscriptions for erecting a bridge over Delaware, at Trenton. Form of subscription. Proceedings to obtain subscriptions. Sum to be paid at the time of subscribing. 2. Proceedings to obtain a charter of incorporation. Corporate style to be "The president, managers and company, for erecting a bridge over the river Delaware, at or near Trenton," and to have the usual corporate powers. 3. Proceedings to organize the corporation. Its officers. Limitation of the number of votes. 4. Annual meeting of the stockholders, to be on the first Monday in May. 5. Certificates of stock, how to be issued and transferable. 6. Proceedings and powers of the Board of Managers, prescribed. 7. Penalty for making default in paying subscriptions. 8. Power to take materials from the neighbouring grounds to build the bridge, making amends, &c. 9. Accounts of the company to be kept. When the number of shares may be increased. 10. The property of the bridge vested in the company. What tolls may be collected. The navigation and fording not to be obstructed by the bridge. 11. Two oxen to pay equal to one horse. 12. Penalty for injuring the bridge. 13. For extorting higher tolls than the act allows. Limitation of suits. 14. Account to be kept of tolls, and dividends of profits to be made. 15. Accounts to be laid before the Legislature. When tolls may be raised; or diminished. 16. This act suspended till a similar act is passed by the Legislature of New-Jersey. Time for commencing and finishing the work.\*]

(\*This bridge has been completed.)

Passed 4th April, 1798.—Recorded in Law Book No. VI. page 285.



# A C T S

OF THE

## General Assembly of Pennsylvania.

Passed during the ninth General Assembly, which commenced 4th December, 1798, and ended 11th of April, 1799.

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THOMAS MIFFLIN, GOVERNOR.

ROBERT HARE, SPEAKER OF THE SENATE.

CADWALADER EVANS, SPEAKER OF THE HOUSE OF REPRESENTATIVES.

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1799.

### CHAPTER MMI.

*An ACT to divide the second election district in the county of Huntingdon.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the township of Shirley, and all that part of the township of Springfield, in the county of Huntingdon, lying on the north-westerly side of the Black Log mountain, being part of the second election district, shall, from and after the passing of this act, be a separate election district, to be called the eighth election district, and the electors thereof shall hold their elections at the house now occupied by John Palmer, in the town of Shirleysburgh. And the township of Dublin, and the remaining part of the township of Springfield, in the county of Huntingdon, shall be a separate election district, to be called the second election district; and the electors thereof shall hold their elections at the house now occupied by George Hudson, in Dublin township, any law to the contrary notwithstanding.*

The second election district of Huntingdon county erected.

Passed 16th January, 1799.—Recorded in Law Book No. VI. page 318.

{1799.

## CHAPTER MMII.

*An ACT to declare Frankford creek, a public highway.*Frankford  
creek, de-  
clared a pub-  
lic highway-

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Frankford creek, in the county of Philadelphia, from the mouth thereof up to Joseph I. Miller's land, opposite to the race bridge across the Bristol road, or main street in Frankford, shall be, and the same is hereby declared to be a public highway, for the passage of all kinds of vessels and rafts, which may float therein; and it shall and may be lawful for the inhabitants desirous of using the navigation of the said creek to remove all natural and artificial obstructions, from the mouth of the said Frankford creek up to the aforesaid Joseph I. Miller's land, opposite to the race bridge across the Bristol road, or main street in Frankford, so that the said creek shall be navigable sixty-six feet in width: Provided, That nothing herein contained shall in any wise affect or injure the stone arched bridge now erected on the Bristol road, across the said Frankford creek.*

Passed 16th January, 1799.—Recorded in Law Book No. VI. page 317.

## CHAPTER MMIII.

*An ACT to facilitate the barring of entails.*(See chap.<sup>s</sup>  
384, vol. I,  
pa. 203, and  
the notes  
thereto.)

WHEREAS common recoveries are now considered as a mode of conveyance, by which tenants in tail are enabled to convey and dispose of their lands and tenements, but the said mode of conveyance is attended with a heavy expense, and in many cases with great inconvenience: Therefore,

Estates-tail  
may be bar-  
red by deed  
of grant, bar-  
gain and sale.

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, any person or persons seized of any estate-tail in possession, reversion or remainder, shall have full power to grant, bargain, sell and convey any lands, tenements or hereditaments, whereof he, she or they shall be so seized, by such manner and form of conveyance or assurance, as any person seized of an estate in fee-simple may by the laws of this state grant, bargain, sell, and convey any lands, tenements, or hereditaments, whereof such person is seized of an estate in fee-simple; and all and every such grants, bargains, sales and conveyances of any person or persons, so seized in tail, shall be good and available, to all intents and purposes, against all and every person and persons, whom the grantor, bargainor or vendor, might or could debar by any mode of common recovery, or by any way or means whatever, any law or usage to the contrary notwithstanding.*

How estates-  
tail hereto-  
fore sold  
may be con-

SECT. II. *And be it further enacted by the authority aforesaid, That where any person or persons, having been seized of any estate-tail, in possession, reversion or remainder, of any lands, tene-*



ments or hereditaments, hath or have granted, bargained, sold or conveyed the same to a *bona fide* purchaser, for a good and valuable consideration, in the same manner and form of conveyance and assurance, as if he, she or they had been seized thereof in fee-simple, it shall and may be lawful for such person or persons, and his, her or their heirs, inheritable to such estate-tail, to convey and confirm such lands, tenements and hereditaments, to such purchasers thereof, their heirs and assigns, in the same manner, and by such form of conveyance, as he, she or they might have done, had he, she or they, at the time of such grant, bargain, sale or conveyance, been seized of the said lands, tenements or hereditaments, in fee-simple; and that such conveyance and confirmation shall be good and available to all intents and purposes, against any person or persons claiming by virtue of such estate-tail, or in remainder or reversion after such estate-tail, as such grantor, bargainor or vendor might or could have debarred by any mode of common recovery, or by any ways and means whatsoever, previously to such grant, bargain, sale or conveyance, any law or usage to the contrary notwithstanding. *Provided always*, That every grantor, bargainor or vendor, by virtue of this act, shall, in the conveyance or assurance made by him, her or them, state his, her or their intention thereby to debar any estate-tail, in possession, reversion or remainder, that he, she or they has or have in the lands, tenements or hereditaments, so intended to be granted. *And provided also*, That every conveyance or assurance by virtue of this act, being first proved or acknowledged agreeably to the laws of this commonwealth, shall, in open court, on motion, be entered on the records of the Supreme Court of this commonwealth, or on the records of the Court of Common Pleas for the county, in which the said lands or tenements so granted lie, in the manner commonly used with respect to sheriffs' deeds, and shall also be recorded within six months next after the execution of the said conveyance or assurance, in the county where the said lands or tenements so granted shall lie.

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firmed in fee  
to the pur-  
chaser.

The intent  
to bar the  
entail shall  
be declared  
in the deed.

The deed to  
be recorded  
in the county  
where the  
lands lie.

Passed 16th January, 1799.—Recorded in Law Book No. VI, page 318.

## CHAPTER MMIV.

*An ACT to authorize John Canan to erect a toll-bridge over the Frankstown branch of the Juniata river.*

SECT. 1. [JOHN CANAN empowered to erect a toll-bridge over the Frankstown branch of Juniata river. Rates of toll. Private property not to be encroached upon, nor the navigation interrupted. 2. Paupers shall be exempt from paying toll. 3. Accounts to be laid before the Quarter Sessions. When tolls may be reduced. 4. Time limited for commencing and finishing the bridge. 5. When and on what terms the bridge may be made free. 6. Proceedings in case the bridge is not kept in repair, by summary inquiry by precept of a Justice of the Peace.]

Passed 19th February, 1799.—Recorded in Law Book No. VI, page 320.

1799.

## CHAPTER MMV.

*An ACT to erect the town of Greensburgh, in the county of Westmoreland, into a borough.*

SECT. 1. [GREENESBURGH erected into a borough. Its boundaries. 2. Who may elect, and who may be elected borough officers. 3. Manner and time of holding and certifying the borough elections. 4. Powers of the borough officers. Limitation of the amount of taxes to be assessed. Proceedings to regulate the same. 5. The borough incorporated, by the name of "The Burgesses and Inhabitants of the borough of Greensburgh, in the county of Westmoreland," with the usual corporate powers. 6. Provision for erecting a market-house. 7. Penalty for refusing to serve in borough offices. 8. Qualifications of the borough officers.]

Passed 9th February, 1799.—Recorded in Law Book No. VI. page 322.

## CHAPTER MMIX.

*An ACT to regulate the general elections within this commonwealth.*

SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the general elections within this commonwealth shall be held and conducted by Judges, Inspectors, and Clerks, to be chosen and appointed as is herein after directed; and no person shall be admitted to vote at any general or special election, or for Inspectors thereof, other than citizens of this state of the age of twenty-one years or more, and who have resided therein two years next before the election, and within that time paid a state or county tax, which shall have been assessed at least six months before the election; provided, that the sons of citizens qualified as aforesaid, between the ages of twenty-one and twenty-two years, shall be entitled to vote, although they shall not have paid taxes; and every citizen, having paid taxes and resided as aforesaid, and claiming a right to vote, shall make due proof thereof as follows, viz. *First*, That he is a natural born citizen of this state, or was settled therein on the twenty-eighth day of September, one thousand seven hundred and seventy-six; or having been a foreigner, who since that time came to settle therein, he hath taken an oath or affirmation of allegiance to the same on or before the twenty-sixth day of March, one thousand seven hundred and ninety, agreeably to the then existing constitution and laws; or, *Secondly*, That he is a natural born citizen of some other of the United States, or had been lawfully admitted or recognized as a citizen of some one of the said states on or before the twenty-sixth day of March, one thousand seven hundred and ninety; or, *Thirdly*, That, having been a foreigner or alien, he hath been naturalized conformably to the laws of the United States. That as evidence of his having been naturalized agreeably to the laws of the United

Who may  
vote at elec-  
tions.

What are  
the rights of  
citizenship.

How citizen-  
ship shall be  
proved.



States, he shall produce a certificate thereof, under the seal of the court wherein such naturalization took place; that as evidence of his being a natural born citizen of this state, or resident therein on the twenty-eighth day\* of September, one thousand seven hundred and seventy-six, or a natural born citizen of some other of the United States, if required by any Inspector or Judge of the election, he shall be examined on his oath or affirmation; that as evidence of his having taken an oath or affirmation of allegiance to this state on or before the twenty-sixth day of March, one thousand seven hundred and ninety, or of having been lawfully admitted or recognized as a citizen of some other of the United States on or before the said day, if required by any Inspector or Judge of the election, he shall produce a certificate in due form from some Judge, Prothonotary, or Clerk of a Court, Mayor, Alderman, Recorder, or Justice of the Peace, or shall be examined on his oath or affirmation; and if by such certificate or examination as aforesaid it shall appear that he is a citizen of this state, qualified to elect, agreeably to the provisions of this act, his vote shall be received by the Inspector of the township, ward or district, in which he resides.

1799.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the Inspectors of the general election shall be chosen by ballot, on the [Saturday] next preceding the first Tuesday in October, in each and every year, at such place in each town, township, ward or district, as the citizens have generally met at for that purpose, public notice of which shall be given by the Constable or Constables, by six or more written or printed advertisements, affixed at as many of the most noted and public places therein, at least one week before the said day; and the election shall be opened between two and three o'clock in the afternoon by the said Constable or Constables, to be assisted by two qualified citizens, chosen by such citizens qualified to vote as shall be then present, and the said Constable or Constables and assistants shall be judges of the qualifications of the citizens residing within the said town, township, ward or district, who shall offer their votes for Inspector, and shall conduct the said election in a fair and impartial manner, and keep the same open until six o'clock in the same afternoon, when the poll shall be closed, the number of votes ascertained, and the person highest in votes publicly declared; and the said Constable and assistants shall make out duplicate certificates of the said election, under their hands, one of which shall be delivered to the person chosen, or left at his usual place of abode by the said Constable, within two days thereafter, and the other he shall deliver to the agents appointed for opening the general election at the place and on the day appointed for holding the same, at nine o'clock in the forenoon; the qualified citizens of the township of the Northern-Liberties and the district of Southwark shall, respectively, choose each two Inspectors, and each and every town, township, ward or district, shall each choose one Inspector; and if any Constable shall neglect or refuse to perform the duties herein required of him, he shall forfeit the sum of fifty dollars; and in case of the neglect, refusal, death or absence from the county of any Constable or Constables, the Overseers of the Poor of the township, ward or district, except in such township, ward or

How and when Inspectors shall be elected.

[See note.]

The return of such elections.

Number of Inspectors to be elected.

Penalty on Constables who refuse or neglect, and who shall act in their stead.

1799. district, where there shall be no Overseer of the Poor, in such case the Supervisors of the highways, shall perform the duties herein required to be done by the Constable or Constables, under the like penalties, except that the said Overseers or Supervisors of the highways shall not be required to give more than four days notice of the time and place for holding the said election.

The respective Courts of Common Pleas shall appoint agents to attend at the places of election.

The duty of such agents.

(Repealed.)

How their appointment shall be notified.

Penalty if the agents neglect their duty.

Of the Inspectors, Judges and Clerks of the election.

[SECT. III. *And be it further enacted by the authority aforesaid,* That the courts of Common Pleas for the several and respective counties in this commonwealth shall, at their term held next before the third Monday in September, in each and every year, appoint two Justices of the Peace or other qualified citizens residing in each election district, if the county is divided into election districts, but if not, then two such persons for the county at large, as agents, whose duty it shall be to attend at the place appointed for holding the election for the district or county for which they are appointed, at nine o'clock in the forenoon of the day of election, to receive from the several Constables the returns of the persons chosen Inspectors; to swear or affirm the said Inspectors, Judges of election and Clerks, and to read, or cause to be read, the first, fifth, seventh and ninth sections of this act, and such other parts thereof, as in their judgment are necessary for the information of the Judges, Inspectors and Clerks, previous to the opening of the said election; and shall also deliver to the said Inspectors the list of taxables and blank forms or returns, which shall have been delivered to them, or either of them, by the County Commissioners, agreeably to the directions of this act; and the Prothonotaries of each county shall, within three days after the appointment of such agents has been made, deliver a certified transcript of the said appointments to the Sheriff of the county, who shall serve a copy of the same on each of the said agents at least ten days before the day of election; and if any of the said agents shall neglect to attend at the place of election for which he shall be appointed, by nine o'clock in the forenoon of the day of election; or refuse to take upon him and perform the duties by this act required, he shall forfeit and pay the sum of fifty dollars, unless he render a sufficient reason for non-attendance to the next Court of Common Pleas of the proper county, who are hereby authorized to enquire into the same, and determine accordingly; and in case neither of the said agents should attend as aforesaid, then any alderman or Justice of the Peace who may be present shall administer the oaths or affirmations required to be taken by the Inspectors, Judges and Clerks; but if no Alderman or Justice of the Peace be present, then one of the Judges of the election shall administer the same.]

SECT. IV. *And be it further enacted by the authority aforesaid,* That the Inspectors chosen as aforesaid shall meet at nine o'clock in the forenoon of the day of election, at the places respectively appointed for holding the same for the district or county to which they belong, and they, or a majority of them, shall choose and take to their assistance, for the city of Philadelphia, seven, and for any other district not less than three, nor more than five respectable citizens, qualified to vote, who shall be Judges of the election in the said city or districts respectively; and the Judges and Inspec-



tors chosen in the manner directed by this act shall be forthwith sworn or affirmed by one of the said agents, or other person authorized, and shall appoint such and so many Clerks of the election (being severally of the age of twenty-one years or more) as they shall deem necessary, who shall in like manner be sworn or affirmed agreeably to the directions of this act;\* and as soon as the Inspectors, Judges and Clerks shall be severally sworn or affirmed as aforesaid, the said Clerks, or some of them, shall make out two copies of the forms of the several oaths or affirmations, which shall be severally subscribed by all the said Inspectors, Judges and Clerks, and the said forms shall be certified under the hands and seals of the attending agent or agents, or other persons who shall administer the said oath or affirmation, and at the close of the election one of the said forms shall be sealed up in one of the boxes, with the tickets, lists of voters and tally papers, and the other shall be transmitted to the Prothonotary of the county, to remain on file in his office.

1799.

(\* See note.)

SECT. V. *And be it further enacted by the authority aforesaid,* That the following shall be the form of the oath or affirmation to be taken by each Inspector, viz. "I, A. B. do swear (or solemnly, sincerely and truly declare and affirm) that I will duly attend the ensuing election, during the continuance thereof, as an Inspector, and that I will not receive any ticket or vote from any person or persons, other than those I shall firmly believe are, according to the provisions of the act entitled "An Act to regulate the general elections within this commonwealth," "entitled to vote at the said election, without requiring such evidence of their right to vote as is directed to be given by the said act; nor will I vexatiously delay or refuse to receive any vote from any person I shall believe is entitled to vote as aforesaid, but will in all things truly, impartially and faithfully perform my duty therein, to the best of my judgment and abilities." And the following by each Judge, viz. "I, A. B. do swear (or solemnly, sincerely and truly declare and affirm) that I will, as one of the Judges, duly attend the ensuing election, during the continuance thereof, and faithfully assist the other Judges and Inspectors in carrying on the same; that I will not give my consent that any vote or ticket shall be received from any person or persons, other than those I shall firmly believe are, according to the provisions of the act, entitled "An Act to regulate the general elections within this commonwealth," entitled to vote at the said election, without requiring such evidence of their right to vote as is directed to be given by the said act; and that I will use my best endeavours to prevent any fraud, deceit or abuse, in carrying on the same by citizens qualified to vote or others; and that I will make a true and perfect return of the said election, and in all things truly, impartially and faithfully perform my duty respecting the same, to the best of my judgment and abilities." And the following by each Clerk, viz. "I, A. B. do swear, (or solemnly, sincerely and truly declare and affirm) that I will impartially and truly write down the name of each elector, who shall vote at the ensuing election, which shall be given me in charge, and also the name of the town, township, ward or district, wherein such elector resides, and carefully

The Inspectors qualification.

The Judges qualification.

The Clerks qualification.

1799. and truly write down the number of votes that shall be given for each candidate at the election, as often as his name shall be read to me by the Judges thereof, and in all things truly and faithfully perform my duty respecting the same, to the best of my judgment and abilities."

The county Commissioners shall deliver lists of the taxable inhabitants to the agents of election, and blank forms,

to be distributed at the place of election.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the Commissioners of the several counties within this state shall, at least three days before the second Tuesday in October, in every year, deliver, or cause to be delivered, to one of the agents appointed for the proper county or district, as the case may be, a separate alphabetical list of the names and surnames of all the male taxable persons of each ward, borough and township, inhabiting within the same, who have been assessed for a state or county tax at least six months before that day; and also a sufficient number of blank forms and returns made out in a proper manner, and headed as the nature of the election may require, which lists, forms and returns, shall be delivered as aforesaid, under the penalty of fifty dollars on each of the Commissioners for every neglect thereof; and it shall be the duty of the agent, to whom the said lists, blank forms and returns, are delivered, to take the same with him to the place of election, and distribute them to the proper Inspectors, previous to the opening of the said election, or if it should so happen that the agent, with whom the said lists, forms and returns, are left, should be unable to attend the said election, he shall cause the same to be delivered as aforesaid, under the penalty of one hundred dollars.

Provision, in case an election district is divided.

SECT. VII. *And be it further enacted by the authority aforesaid,* That where any township or townships within this commonwealth hath or have been divided, or hereafter shall be divided, in forming any election district, the electors within each part of such divided township or townships respectively shall choose one Inspector, who shall, within the part for which he is chosen, perform all and singular the duties to the office of Inspector belonging, and in order thereto, the commissioners of the proper county shall furnish the Inspector and Inspectors so chosen with a list of the taxable inhabitants within such divided township and townships, for which they are respectively chosen; and if any Inspector shall not attend at the proper place of the election on or before nine o'clock of the morning of the day of the election, such delinquent shall forfeit and pay the sum of fifty dollars, provided he hath had due notice of his election; and every vacancy that shall happen by any delinquency shall be supplied by the qualified electors of the township, ward or district, then present at the time aforesaid, or, if they neglect to make such appointment, the Judges shall make the same; and if any person so chosen to supply the place of any Inspector shall neglect or refuse to perform the duty of Inspector, he shall forfeit and pay a like sum of fifty dollars.

Penalty, if the Inspectors do not attend, and how vacancies shall be supplied.

Where the Inspectors shall sit, and how the place shall be designated.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That in receiving the tickets from the electors at the place of election, the number of Inspectors who shall sit at each door or window of the house where the election shall be holden shall be determined by a majority of the Judges of such election; and that over or near to such door or window the name of the town, township,



ward or district, whose Inspector or Inspectors shall be there placed, shall be written or printed, in large and legible characters, in such manner that the electors dwelling within the several and respective townships, wards or districts, may readily find their Inspector or Inspectors, in order to deliver to him or them their tickets, as aforesaid. 1799.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the Inspector shall not receive any votes or tickets from any person or persons whatever, other than the electors residing within their several townships, wards or districts, and that the name and abode of each elector, whose ticket shall have been received, shall be called out aloud by the Inspector who shall receive the same, and shall be entered by at least two Clerks in separate lists, and the name repeated by them; and the name shall also be marked in the alphabetical list of the proper township, ward or district, by the Inspector inserting the letter *v* in the margin of such list, opposite to the name of such elector who has voted; but if such elector shall have been sworn or affirmed, or have produced a certificate, or such evidence of naturalization as is required by this act, the Inspector shall also note the same in the margin of such list; and no person shall be admitted to vote, whose name is not inserted in the list of taxable inhabitants furnished by the commissioners, unless he produce a receipt for the payment of a state or county tax assessed agreeably to the constitution, or give other satisfactory evidence, either on his own oath or affirmation, or otherwise, that he hath paid such a tax; or if he claims a right to vote by being the son of an elector, and that he is between the ages of twenty-one and twenty-two years, he shall depose, on oath or affirmation, that he does verily believe, from the accounts given him, that he is of the age aforesaid, or give such other evidence as may reasonably be required, or as shall be satisfactory to the said Inspector and Judges of the said election; whereupon the name of the person so admitted to vote shall be inserted in the alphabetical list by the Inspector, and a note made opposite thereto, by writing the word "tax," if he has been admitted to vote on proof of his having paid a tax, or the word "age," if he has been admitted to vote on account of his age, and the reason of such vote shall be called out to the clerks, who shall make the like notes in the list of voters kept by them.

From whom,  
and how,  
tickets shall  
be received.

SECT. X. *And be it further enacted by the authority aforesaid,* That every general and special election to be holden within this commonwealth shall be opened between the hours of ten and twelve in the forenoon, and shall continue, without interruption or adjournment, until the electors who shall come to the said election shall have full opportunity to give in their respective votes; and every voter may deliver written or printed tickets, as he shall see cause, but on separate pieces of paper, as followeth; in one ticket the name of a person for Governor, in one other ticket a Senator or Senators, as the case may be, in one other ticket a Member or Members of the House of Representatives, in one other ticket Sheriffs and Coroners, in one other ticket one or more county commissioners, and in one other ticket one or more Directors of the Poor, for such counties where they may be necessary, as the case may be. And the seve-

Time of  
opening and  
closing the  
election.

How ballots  
shall be  
made out,  
and deliver-  
ed.

1799.

ral electors shall separately fold up their respective tickets, turning out to view, or indorsing on the outside of one of the folds thereof, the names of office only, and shall thus give their votes secretly; and the same tickets, and no other, being received by the proper Inspector, shall be deposited by him in separate boxes, kept for that purpose, till the poll be closed; and if any Judge of the election, Inspector, or other person, before the polling of the tickets be closed, shall unfold, open, or pry into any such ticket, with design to discover the names of the candidates therein, every person, so offending, shall forfeit and pay the sum of fifty dollars to the party grieved, to be recovered, with cost, by bill, plaint or information, in any Court of Record; and if any elector shall offer any more than one ticket of each kind before specified, with a fraudulent design, every such person shall forfeit and pay the sum of twenty dollars for every such offence, and shall moreover forfeit his vote at such election.

Penalty on  
offering  
more than  
one ticket.

How the  
votes shall  
be counted  
and tallied.

What votes  
shall be re-  
jected.

How returns  
shall be made  
out, when,  
and where  
delivered, if  
the county  
is divided in-  
to districts.

SECT. XI. *And be it further enacted by the authority aforesaid,* That when the poll shall be closed, the aforesaid boxes, wherein the folded papers or tickets are deposited, shall be opened, one by one, and the Judges, in the presence of the Inspectors, shall deliberately take out the said papers or tickets, and read aloud the name or names written or printed thereon, respectively, whilst two or more of the clerks shall carefully enter and keep account of the same, on paper prepared for that purpose, so that the number of votes for each candidate tallied thereon may be readily cast up and known; but if upon opening any of the said tickets there be found any more names written or printed on any of them than there ought to be, or if any two or more of such papers be deceitfully folded together, such tickets shall be rejected, and not counted among the votes.

SECT. XII. *And be it further enacted by the authority aforesaid,* That as soon as all the votes shall be read off and counted, the Judges of each district, in case the county be divided into districts, shall make out, under their hands, a fair state and certificate of the number of votes which shall have been then and there given for each candidate, distinguishing the station or office he was voted for, which numbers shall be expressed in words at length, and not in figures only; and one of the said Judges shall take charge of such certificate, and on the fourth day after the day of election produce the same in a meeting of one Judge from each district within the same county, at the Court-house, and for the city and county of Philadelphia at the State-house, for which service he shall be allowed, out of the county Treasury, ten cents for every mile he shall necessarily have travelled in coming from his proper election district to the said Court-house, and in returning from thence to his own home; and the Judges of the several districts of the county, so met, shall add together the number of votes which shall appear to be given for any person or persons, who shall thereupon be found to be highest in vote or elected as Representatives, Senator, or other officer, and shall forthwith make out duplicate returns of the election of such person or persons, as shall be so elected and chosen for any office or station, which the electors of the said county are



entitled to choose of themselves, unconnected with any other county or district; and when a Governor is to be chosen, like returns of all the votes given for any person or persons for Governor; and having lodged one of each of the said returns in the office of the Prothonotary of the county, shall inclose, seal and direct the others, when the same relates to the choice of a Governor, to the Speaker of the Senate; when to the election of a Senator or Senators, to the Senate; when to a Member or Members of the House of Representatives, to the House of Representatives; when to Sheriffs or Coroners, to the Secretary of the commonwealth; when to a commissioner or commissioners for the county, to the clerk of the Court of Quarter Sessions of the said county. And one of the said Judges shall deliver the returns, so sealed and directed, to the Sheriff of the county, endorsing thereon the time of delivering the same; and the said Sheriff shall, within five days thereafter, cause the return directed to the clerk of the Court of Quarter Sessions to be delivered agreeably to the said direction; and having received the returns of any district for the election of a Senator or Senators, or one or more Members of the House of Representatives, which may by law be directed to be completed and made out within the said county, for the same election, the said Sheriff shall forthwith, by himself or his deputy, transmit the whole of the said returns to the Secretary of the commonwealth, so that the same shall be delivered into the Secretary's office within twenty days after the last of the returns shall have been received by the said Sheriff; in which case, and not otherwise, he shall be entitled to receive from the State Treasury, on warrants drawn by the Governor, ten cents for every mile he shall necessarily travel in going from and returning to his proper county.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That in the city of Philadelphia, and in any county where the election shall be holden only at one place, the returns thereof shall be made without delay, in like manner as is herein directed, as nearly as the different circumstances shall permit; and when two or more counties shall compose a district for the choice of one or more Members of the Senate or House of Representatives, the Judges of the election in each county, having met as aforesaid at their Court-house, shall make out a fair statement, under their hands, of all the votes which shall have been given at the said election, within their county, for any person or persons, as a Member or Members of the Senate or House of Representatives, as the case may be, and one of the said Judges shall take charge of such certificate, and produce the same in a meeting of one Judge from each county, at such place in the said district as is or shall be appointed by law for that purpose, on the seventh day after the election: and the said Judges shall then and there cast up the several county returns, and make duplicate returns of the person or persons chosen for the said district; and one of each of the said returns, if there shall be more than of one kind, shall be deposited in the Prothonotary's office of the county in which they meet, and the other delivered to the Sheriff of the said county, sealed and directed as is herein before prescribed, and the day on which the same is so delivered shall also be endorsed thereon; and each Judge, who shall attend to make out the said

How the returns shall be made out, when and where returned, if there is only one place of election in the city or county.

1799. district return, shall be allowed out of the Treasury of his proper county ten cents for every mile he shall necessarily travel in performing that service; and such of the returns delivered as aforesaid to the Prothonotary of each county, as shall certify the election of a commissioner or commissioners of the proper county, shall be by the said Prothonotary laid before the Court of Quarter Sessions, which shall order the same to be recorded according to law; and each Prothonotary within this commonwealth shall, as soon as all the other returns herein required are delivered into his office, make out a copy thereof, and certify the same, and shall forthwith transmit the said copy, under a sealed cover, directed to the Secretary of the commonwealth, by placing the same in the nearest Post-office.

The proper Sheriff shall give twenty days notice of the election,

SECT. XIV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Sheriffs of each and every county of this State to give public notice, by advertisements posted up in the most public places in each district, or by publication in one or more newspapers of the counties respectively, at least twenty days before the general election, that such election is to be held; and he shall enumerate in the advertisements aforesaid what officers are to be elected; and in case of neglect of such notice by the Sheriff of any county, he shall pay a fine of two hundred dollars.

How writs of election to supply vacancies in the Legislature, shall issue, be executed, and returned.

SECT. XV. And whereas the nineteenth section of the constitution of this State provides, that when vacancies happen in either House, the Speaker shall issue writs of election to fill up such vacancies: Therefore, *Be it enacted,* That when in consequence of any vacancy, by death, resignation or otherwise, in the House of Representatives, the Speaker of the House of Representatives shall issue his writ, he shall therein command the Sheriff of the proper county, or other person to whom such writ may be directed, on a day certain, and therein particularly expressed, to hold an election to supply such vacancy; and when in consequence of any vacancy in the Senate, by death, resignation or otherwise, the Speaker of the Senate shall issue his writ to the Sheriff or Sheriffs of the county or counties of which the district is composed, or other person or persons to whom such writ may be directed, he shall therein command such person or persons, on a day certain, and therein particularly expressed, to hold an election to supply such vacancy; and when such vacancy shall happen in either House during the session of the General Assembly, or when the same shall be required by their own adjournment, or by the Governor, to meet at some time previous to the next succeeding general election, the Speaker of the House wherein such vacancy shall happen, shall appoint a time, as early as may be convenient, for holding an election to fill the said vacancy; but if such writ shall be issued during the recess of the General Assembly, and when the same shall not be required to meet before the next succeeding general election, the Speaker issuing such writ shall direct the election to be held at the time appointed for holding the general election: *Provided always,* That if after issuing of such last mentioned writ, the Governor shall at any time issue his proclamation for convening the General Assembly, the Sheriff, or other person to whom the said writ shall be directed



shall in that case proceed to execute the same, by holding the election within thirty days after the date of such proclamation: *And provided further*, That such writ, so issued by the Speaker of the House of Representatives and Senate, respectively, shall be delivered to the Sheriff, or other person to whom the same may be directed, at least fifteen days before the day appointed for such election, who shall forthwith give due and public notice thereof throughout the county, at least ten days before such election, and shall send a copy thereof to each of the Judges, or to one of the Judges of each district therein, in case such county or counties be divided for the purposes of election; and such elections shall be holden and conducted in like manner as is herein before directed, and the Judges and Inspectors chosen for and before the next preceding general election shall attend at and serve as such, respectively, at such occasional elections.

1799.

SECT. XVI. *And be it further enacted by the authority aforesaid*, That the Judges of the elections, who shall meet at their respective Court-house, or other place appointed by law, to compare the several lists and certificates, and to cast up the number of votes for each candidate, shall give notice in writing to each Member of the House of Representatives and Senate, who shall be elected, and reside in their respective districts, within ten days next after the day of making up the return.

How notice shall be given to persons elected.

SECT. XVII. *And be it further enacted by the authority aforesaid*, That all elections shall be free and voluntary, and that any elector who shall receive any gift or reward for his vote, in meat, drink, monies or otherwise, shall forfeit his right to elect for that time, and shall also forfeit and pay any sum not exceeding fifty dollars, and suffer imprisonment for a time not exceeding the term of six months, as the court of the proper county wherein such offender shall be convicted shall, upon due consideration of the case, think proper to award against him; and if it be made to appear to the satisfaction of the proper court, that at any election to be holden under this act any intimidation, threats, force or violence, hath been used or practised, with design to influence unduly, or to overawe, such election, or to restrain the freedom of choice, or if any officer of the election shall be threatened, or violence used to his person, or interrupted in the execution of his duty, every person who shall be guilty of such intimidation, threats, violence or interruption, being convicted thereof, shall be fined and imprisoned for the same, at the discretion of the court, not exceeding six months imprisonment, nor exceeding one hundred dollars fine; and any person who shall bribe as aforesaid, or who shall promise or attempt, either directly or indirectly, to give or bestow any reward as aforesaid, in order to procure any person to be elected, shall, upon conviction thereof, be liable to a fine and imprisonment, at the discretion of the court, within the limitations next before mentioned.

Elections shall be free and voluntary, and how electors shall be punished, who take reward for their votes.

SECT. XVIII. *And be it further enacted by the authority aforesaid*, That if any person who is not qualified to vote in this state, agreeably to the provisions of this act, (except the sons of qualified citizens,) shall appear at any place of election, for the purpose of issuing tickets, or of influencing the citizens qualified to vote every

Penalty on non-qualified persons interfering at elections.

1799. person interfering in the manner aforesaid shall forfeit and pay any sum not exceeding thirty dollars for every such offence.

The Governor or to judge of the election of Sheriffs and Coroners; his powers therein. (Repealed, see note.)

[SECT. XIX. *And be it further enacted by the authority aforesaid,* That the Governor shall be a competent judge of the election of every person, who shall be returned to serve as Sheriff or Coroner, and for that purpose may send for papers, persons or records, and may summon and compel witnesses to appear before him, and examine them upon oath or affirmation, or at his discretion may direct the examination of such witnesses, who dwell forty miles or more from the seat of government, to be taken in writing, by commissioners appointed by him for that purpose; provided opportunity be given to the parties to be present, and to examine and cross examine the said witnesses.]

Punishment of perjury under this act;

SECT. XX. *And be it further enacted by the authority aforesaid,* That if any person, in taking an oath or affirmation required by this act shall be guilty of wilfully and corruptly making a false oath or affirmation, or if any person shall suborn any other person to make any such false oath or affirmation, and be convicted thereof by a jury of the proper county, every such person, so offending as aforesaid, shall suffer such penalties and disabilities, as are incurred on conviction of wilful and corrupt perjury, or subornation of perjury, respectively; and if any person shall knowingly publish, utter, or make use of any forged or false receipt or certificate, with intent to impose the same upon or to deceive any Judge or Inspector, at any election, such person shall incur a fine of fifty dollars, and suffer six months imprisonment.

of forging or publishing certificates.

The commissioners of the proper county shall provide suitable ballot boxes.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That the commissioners of the proper county shall out of the county stock, provide sufficient and suitable boxes for depositing the tickets taken in by the Inspectors of the several districts, and, after the election shall be finished, the same boxes shall be given in charge to some Justice of the Peace of the neighbourhood, to be kept till the next election.

Where to be deposited.

Election tickets and papers how to be collected, secured and deposited.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That as soon as any election shall be finished, the tickets, lists of taxables, one of the lists of voters, tally-papers, and one of the certificates of the oath or affirmation taken and subscribed by the Inspectors, Judges and Clerks, shall be all carefully collected, and deposited in one or more of the boxes herein before mentioned, and the box or boxes, being closely bound around with tape, shall be sealed by two or more of the Judges of the election, and one or more of the Inspectors, and shall be delivered to the nearest Justice of the Peace of the county, to be kept by him, to answer, if need be, the call of the joint or separate committees of the Senate and House of Representatives, who may be appointed to try the merits of any such election; and if any Judge of the election, Inspector, Clerk, or other person shall deface, alter, embezzle or destroy any of the said tickets, lists or tally-papers, or certificates, such person, so offending, shall forfeit and pay the sum of three hundred dollars for every such offence to the person who shall, within the space of six months thereafter, sue for the same, by action of debt, in any Court of Record, and suffer imprisonment for a term not exceeding twelve

Penalty on altering, defacing, or embezzling them.



months; and any such Justice, who shall refuse to receive the said box or boxes, or having received the same, shall neglect the safe-keeping thereof, shall forfeit and pay two hundred dollars, for every such neglect or refusal; and the other lists of voters, tally-papers and certificates, shall be inclosed by the said Judges in a sealed cover, directed to the Prothonotary of the county, and shall, by some one of them, be delivered into his office, where the same shall be filed; and it shall be the duty of the Prothonotary to give a certified copy of the said lists to any person or persons applying for the same, on payment of the usual fees, as in other cases.

1799.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That if any Judge of election, Inspector or Clerk, acting under this act, shall be duly convicted of any wilful fraud in the discharge of the duties enjoined upon or required of him by this act, he shall forfeit a sum not less than one hundred nor more than five hundred dollars, and shall be for seven years disabled from holding any office of honour, trust or profit, in this commonwealth; and such person shall be moreover disabled, for the term aforesaid, to elect or give his vote at any general or special election to be holden within this state; and if any person appointed to be Judge of election, Inspector or Clerk, at any of the elections directed and regulated by this act, shall neglect or refuse to take upon himself the duties appointed therein, or having taken upon himself the said duties, shall afterwards neglect to do and perform the same in the manner by this act required, he shall forfeit and pay any sum not less than fifty, nor more than one hundred dollars for every such offence; and if any Prothonotary or Sheriff shall neglect or refuse to do and perform the duties enjoined upon them, in the manner required by this act, or shall wilfully misbehave in the doing thereof, he or they shall forfeit and pay any sum not exceeding five, nor less than two hundred dollars, and suffer imprisonment for any term not exceeding six months; and each of the Agents, Judges, Inspectors and Clerks, whilst employed in the duties required of them by this act, shall receive for his services and expenses the sum of one dollar and fifty cents per day, to be paid by the Treasurer of the proper county, out of the county rates and levies, on orders to be drawn for the same by the commissioners of the proper county, which allowance shall be in full for their said services and expenses, other than the mileage herein before allowed, and in lieu of all kinds of refreshment it may have been heretofore customary to provide at the expense of the county; and from and after the passing of this act, no such expense shall be paid or allowed for such refreshments by the commissioners of any county within this commonwealth.

Frauds of the officers of election, how punished.

Penalty for refusing to serve as an officer of election.

Compensation of the officers of election.

SECT. XXIV. *And be it further enacted by the authority aforesaid,* That every specific fine and forfeiture by virtue of this act to be incurred shall be recovered by action of debt, brought in the Supreme Court, or in any Court of Common Pleas within this commonwealth, or by information or indictment, one half to the use of the plaintiff, informer or prosecutor, and the other half to the use of this commonwealth; and where such fine or forfeiture is not specific, by indictment, one half to the use of the prosecutor, and one

How fines and forfeitures shall be recovered and applied.

1799. half to the use of the commonwealth: *Provided always*, That all suits and prosecutions against any person by virtue of this act be brought, within the proper county, within six months next after the cause of such suit or prosecution shall accrue, and not otherwise.

When the stated place of election may be changed, in cases of a contagious disease.

SECT. XXV. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Governor of this commonwealth, on the representation of the College of Physicians of the city of Philadelphia, and Board of Health, or either of them, that from the prevalence of a malignant or contagious fever in the said city and suburbs, the lives of the electors will be in danger, by attending at the places fixed by law for holding elections within the same, to direct the Sheriff of the county of Philadelphia to hold the election for the city at such other place within the limits of the city plot, and the elections for the districts and townships at such other places within the same, as he, the Governor may judge most safe and convenient; and it shall be the duty of the Sheriff of the city and county of Philadelphia to give public notice by advertisements posted up in the most public places of the several wards or districts, or publish in at least three of the public newspapers printed in the city of Philadelphia, the places where such elections are to be held, at least seven days before the time of holding the said elections; and if the Sheriff shall neglect to perform the duty herein prescribed, he shall pay the sum of two hundred dollars for every such neglect.

Notice thereof to be given.

Repeal of former acts.

SECT. XXVI. *And be it further enacted by the authority aforesaid*, That an act, entitled "An act to amend the several acts of this commonwealth, directing the mode of electing members of the General Assembly thereof," passed the twentieth of September, one thousand seven hundred and eighty-two, and an act, entitled "An act to regulate the general elections of this commonwealth, and to prevent frauds therein," passed the thirteenth of September, one thousand seven hundred and eighty-five, and an act, entitled "An act for altering and amending an act, entitled "An act to regulate the general elections of this commonwealth, and to prevent frauds therein," passed the nineteenth day of September, one thousand seven hundred and eighty-six, except so much of the two last mentioned acts as relates to election districts, or respects the repealing of former laws, shall be, and the same are hereby repealed and made void.

Passed 15th February, 1799.—Recorded in Law Book No. VI. page 328. (i)

(i) District of Southwark, and township of Northern-Liberties authorized to choose four Inspectors each, and the township of Germantown an additional Inspector to serve at the general elections. Act of 7th March, 1800, (chap. 2111.) Additional Inspector allowed to each ward in the city, by act of 1st March, 1800, (chap. 2099)

By an act to amend the act in the text, passed 4th April, 1803, (chap. 2389,) the Judges, Inspectors and clerks of elections shall be sworn or affirmed

before any Judge of the Common Pleas, Alderman or Justice of the Peace; or if none be present, or cannot conveniently be had, one of the Judges of the election, having first taken the oath or affirmation administered to him by one of the other Judges, shall administer the oaths, &c. to the other Judges, and to the Inspectors and clerks, and the powers and duties heretofore assigned to the agents, shall henceforth cease.

Assessors neglecting or refusing to assess and return persons liable to tax-



ation; or if the commissioners shall wilfully omit to insert any name duly assessed and returned to them by the assessor, on conviction shall forfeit, &c. and the party aggrieved shall be a witness, &c.

No body of regular troops shall appear at the place of election, armed or unarmed.

Commissioners of the several counties shall deliver the tax list to the Inspectors on the morning of the election; and penalty for neglect.

This act also provides for making the returns where counties consist of more than one district, or where members of Congress are to be elected: and daily wages were not to be allowed to Judges and Inspectors. But this latter part was repealed by act of 2d April, 1804, (chap. 2493.)

An act passed 18th Feb'y, 1805, (chap. 2531,) directs the mode of filling vacancies in the representation of this state in the House of Representatives of the United States.

The place of meeting of the return Judges of the district of Fayette and Greene, altered, by act of 20th January, 1806, (chap. 2621.)

By act of 17th March, 1806, all township elections, and meetings of return Judges of the general elections, which were directed by law to be held on Saturday, shall be holden on the Friday immediately preceding, (chap. 2665.)

By act of 23d March, 1807, (chap. 2780,) the nineteenth section of the act in the text is repealed.

By an act to regulate township elections, passed 13th April, 1807, (chap. 2862,) a majority of the qualified electors present at any meeting, held at the usual place for electing Assessors or Inspectors, or other township officers, may change the place of holding said elections.

Returns of Sheriffs and Coroners elect shall be sent by post to the Secretary of the commonwealth. Act of 13th April, 1807, (chap. 2868.)

The borough of Lancaster divided into two election wards, and to choose an additional Inspector, by act of 2d April, 1804, (chap. 2481.)

Circuit Court, *Pittsburg*, October, 1800, before *Yeates* and *Smith*, justices, in the case of

*Respublica v. Samuel Ray.*

The defendant was indicted on the 18th section of the act in the text, for that he, being an alien, and not qualified to vote in this state, did appear at an election in the town of *Franklin*, on

the 8th October, 1799, for the purpose of issuing tickets, and of influencing the citizens qualified to vote.

The informer was offered as a witness, but excepted to on the ground of interest, as being intitled to one half of the fine on conviction, under the 24th section, the same not being specific: whereupon he executed a release to the defendant of his share of the forfeiture, and filed the same in court, and was thereupon admitted and sworn.

It did not appear that the defendant distributed any tickets on the election ground, but that he endeavoured to procure five or six persons to give their votes for a certain ticket; whether he succeeded or not, was not known.

For defendant it was insisted, that he could not be legally convicted of *influencing* citizens qualified to vote, unless it could be ascertained that he prevailed on them to give their votes agreeably to his wishes.

But the court said, that if influencing means succeeding in the party's efforts, the law would be a dead letter; no conviction could take place, because no citizen was compellable to declare how he has given his suffrage. The word *persuade* has been construed, to carry the persuasion into effect; and the same idea has been assigned to it in prosecutions for high treason, (1 *Dallas*, 39,) during the revolutionary war. But the word *influence*, has not the same extensive signification, and only means, to use the party's endeavours, though he may not have been able to carry his point. This appears clearly from the latter words of the 18th section, where it is said, every person "*interfering* in the manner aforesaid, shall forfeit and pay any sum not exceeding 30 dollars for every such offence."

The defendant was acquitted of issuing tickets, but convicted of influencing persons to vote, and was fined 15 dollars. (MSS. Reports.)

Under the act in the text, the Inspector has no right to exact an oath of a citizen claiming to vote, that he did not join the British forces during the late war, or was not attainted of high treason. The maxim, "No one is bound to accuse himself," extends to such cases where the answer may involve one in shame or reproach.

To constitute the offence of intimidation, threats, violence, or interruption, under the 17th section of the act, there must be a preconceived intention for the purpose of intimidating the officers, or interrupting the election. *Respublica v. Gibbs*, jun. Supreme Court, December, 1802. (MSS. Reports.)

1799.

## CHAPTER MMX.

*An ACT to incorporate and endow an Academy or Public School in the town of York, and for other purposes therein mentioned.*

SECT. 1. [The tender of a building by the corporation of St. John's Church, in York-town, accepted. 2. The same vested in York county academy. 3. An academy established in York-town, to be called the "York-town Academy." The Trustees incorporated by the name of "The Trustees of the York County Academy," with the usual corporate powers. Annual meetings of the Trustees to be at the time they shall appoint. Proceedings at the meetings. Corporation officers, how to be appointed. Persons of every religious denomination eligible to be Trustees. No misnomer shall affect the corporation. 4. The constitution of the academy shall only be changed by the Legislature. 5. Qualification of the trustees and principal master. 6. Grant for the use of the academy, of 2000 dollars. 7. Provision for educating poor students *gratis*, not more than seven at one time. 8. Repeal of a part of the law incorporating St. John's Church, (chap. 1301,) which prevents the alienation of the school-house, &c.]

Passed 1st March, 1799.—Recorded in Law Book No. VI. page 343.

## CHAPTER MMXII.

*A SUPPLEMENT to the act, entitled "An Act to extend the powers of the Justices of the Peace of this state."*

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the powers of the Justices of the Peace of the several counties in this state, and of the Aldermen [and Aldermens' Court] in the city of Philadelphia, shall be, and the same are hereby, extended to actions or suits brought for the recovery of damages for any trespass, wrong or injury, done or committed against the real or personal estate of the plaintiff, in all such cases where the said damages shall not exceed the sum of twenty dollars\*; and it shall be the duty of the Justice, Alderman [or Aldermens' Court,] before whom any such action or suit is brought, upon the request of either the plaintiff or defendant, to appoint three reputable citizens, to be chosen by the parties, or, if the parties cannot agree in such choice, then to be nominated by the said Justice, Alderman, [or Aldermens' Court,] and to administer an oath or affirmation to the persons so chosen or appointed, justly and truly to assess the damages (if any) which the plaintiff has sustained, and after the said referees shall by view, or otherwise, have enquired into the truth of the case, and made report thereof in writing to the said Justice, Alderman [or Aldermens' Court,] judgment shall be entered thereupon, and execution issue, as in other cases: *Provided nevertheless, That* if the damages so found by the

(See the notes to the consolidating act of 26th March, 1810.)

The power of Justices and Aldermen in actions of trespass.

Proceedings in such actions.

(\* Extended to 50 dollars by act of 13th April, 1807, (chap. 2859,) and see the act to regulate and enforce the proceedings in case of damages under 20 dollars before a Justice of the Peace, passed 21st March, 1806, (chap. 2684.)



referrees shall not amount to more than one dollar, the plaintiff or 1799.  
 plaintiffs shall not recover more costs than damages: *And provided* Of costs, where the damages are less than one dollar.  
*also*, That if the defendant shall, before the appointment of refer-  
 rees, make oath or affirmation that the title to lands will come in  
 question in any such suit or action, then, and in such case, it shall  
 be the duty of the said Justice, Alderman [or Aldermens' Court,] to Provision, if title comes in question.  
 dismiss the same, in order that such question may be tried accord-  
 ing to the course of the common law.

SECT. II. *And be it further enacted by the authority aforesaid*, The powers of Justices and Aldermen in cases of rent.  
 That the powers of the said Justices, Aldermen [and Aldermens' Court,] shall be extended to all cases of rent not exceeding the sum  
 of fifty-three dollars and one third, and the said Justice, Alderman  
 [or Aldermens' Court,] before whom any suit is commenced for the  
 recovery of rent, shall have authority to admit a defalcation or set-  
 off of the just account of the tenant out of the same; and the land-  
 lord may prosecute the said suit to judgment and execution, as in  
 other cases, or, if he think proper, may wave further proceedings  
 before the said Justice, Alderman [or Aldermens' Court,] and dis-  
 train in the usual manner for the balance so settled; but if any  
 landlord shall be convicted, after such waiver, in any Court of Re-  
 cord, of distraining and selling more than to the amount of such  
 balance, and of detaining the surplus, he shall forfeit to the tenant  
 three times the amount of the surplus detained.

SECT. III. *And be it further enacted by the authority aforesaid*, Proceedings of set-off, in cases of distress for rent under fifty dollars and one third.  
 That if any landlord shall distrain the goods of his tenant, agreea-  
 bly to the existing laws of this commonwealth, for a sum not ex-  
 ceeding fifty-three dollars and one third, and the tenant shall have  
 a just account to set off against the same, it shall be the duty of any  
 Justice, Alderman [or Aldermens' Court,] to whom application for  
 that purpose shall be made, to issue process against the landlord, to  
 compel him to appear and shew cause, if any he has, why the de-  
 mand of the tenant should not be allowed, and upon the appearance  
 of the landlord, or on his refusal or neglect to appear, if the said  
 Justice, Alderman [or Aldermens' Court,] shall be satisfied of the  
 justice of the tenant's account, the same shall be defalked out of his  
 arrears of rent, and the distress shall proceed for no more than the  
 balance which shall remain due, in like manner, and under the like  
 penalty, as is provided in the preceding section of this act; *Pro-*  
*vided always*, That in all cases wherein the powers of the Justices  
 of the Peace are by this act extended, the parties shall have the  
 same right of removal, although the cause in dispute may not  
 amount to ten pounds, and appeal, in like manner as is provided in  
 other cases by the act to which this is a supplement.

SECT. IV. *And be it further enacted by the authority aforesaid*, Appeals allowed.  
 That nothing in this act contained shall be construed or understood  
 to extend to actions of ejectment brought to obtain possession of  
 lands and tenements, actions of replevin in cases of actual distress,  
 actions of slander, actions on real contracts for the sale or convey-  
 ance of lands and tenements, civil actions for damages in personal  
 assault and battery, wounding or maiming, or to actions for false  
 imprisonment.

SECT. V. And whereas doubts have been entertained with re-

1799.

How penalties under certain acts shall be recovered.

spect to the mode of recovering the forfeitures and penalties prescribed by the following acts, passed in the year one thousand seven hundred, to wit, "An Act against forcible entry," "An Act against removing land marks," "An Act against defacers of charters," and "An Act about cutting timber trees:" *Be it therefore enacted by the authority aforesaid,* That in all cases arising under the said acts, where the penalty is fixed, and the court not mentioned, in which the recovery shall be had, the same shall be prosecuted in the court of Quarter Sessions of the county where the offence is committed, and warrants shall and may be issued by any of the aforesaid Justices or Aldermen, to oblige the offender or offenders to find surety for his, her or their appearance at said court, and to be of good behaviour in the mean time, if necessary, and in default of such surety, to commit him, her or them, to the gaol of such county, to be dealt with according to law.

How the election of township Constables shall be notified.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the acting Constable in every ward, town, township or district, in this commonwealth, shall, within six days after the election for a Constable or Constables has been held, give notice in writing to the person or persons who shall be chosen of his or their election to the said office; and if such acting Constable shall neglect so to do, he shall forfeit to the commonwealth the penalty of sixteen dollars; and if any person so elected and notified shall refuse or neglect to appear on the first day of the next Court of Quarter Sessions, to decline or accept the said office, he shall forfeit the like penalty of sixteen dollars to the commonwealth, which penalties shall be levied by order of the said Court.

Repeal of parts of preceding laws.

SECT. VII. *And be it further enacted by the authority aforesaid,* That so much of an act of Assembly, enacted on the first day of March, in the year one thousand seven hundred and forty-five, entitled "An Act for the more easy and speedy recovery of small debts," and of the act to which this is a supplement, as is herein before altered or amended, and the second section of the act, entitled "An Act to continue in force for a limited time the act, entitled "An Act to extend the powers of the Justices of the Peace in this state, and other purposes therein mentioned," passed the fourth day of April, one thousand seven hundred and ninety-eight, be, and the same is hereby, repealed, and made null and void.

Limitation of this act.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That this act shall be and continue in force for the term of two years from and after the passing of this act, and from thence until the end of the next session of the General Assembly of this commonwealth, and no longer. (k)

Passed 1st March, 1799.—Recorded in Law Book No. VI. page 348.

(k) Revived and made perpetual, by act of 2d January, 1804, (chap. 2390,) and Justices of the Peace now have to the amount of thirty dollars, subject to the rules of proceeding in the act in the text, by act of 4th April, 1809..



## CHAPTER MMXIII.

1799.

An ACT for the appointment and regulation of Constables in the district of Southwark.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the electors of the district of Southwark shall, on the same day, and at the same place where they meet to choose Inspectors for the election of Commissioners for said district, annually elect six suitable citizens residing in the district aforesaid, and return the names of the persons so elected to the next General Court of Quarter Sessions to be held for the county of Philadelphia, and the said Court shall appoint three of them Constables for the said district; and if either of the said Constables, elected and appointed as aforesaid, refuse or neglect to take upon him the office to which he shall be appointed as aforesaid, or in case of vacancy by dismissal from office for misconduct, death, resignation, or removal from the said district, the Court may and shall appoint another proper person to serve the office of Constable for and during the term or residue of the term, which the person in whose room he shall be so appointed was entitled to serve.

How and when Constables for Southwark shall be elected and appointed.

SECT. II. *And be it further enacted by the authority aforesaid,* That before any Constable of the said district, elected and appointed as aforesaid, shall enter on the duties of his office, he shall become bound by recognizance, with two or more good and sufficient sureties, inhabitants and citizens of the said district, to be approved by the Justices of the said General Court of Quarter Sessions, for the faithful performance of the duties of the office, jointly and severally, in the sum of two hundred dollars,\* payable to the commonwealth, in trust for the use and benefit of all and every person or persons, who may be injured or aggrieved by the neglect or improper conduct of such Constable in the execution of the duties of his said office.

Constables elect shall give security for the faithful performance of their duties.

[\* Increased to one thousand dollars, by act of 20th March, 1810.]

SECT. III. *And be it further enacted by the authority aforesaid,* That if any Constable or Constables, elected and appointed under this act, or any person or persons by his or their direction, shall at any time hereafter purchase, on account or for the use of the said Constables, or any of them, at his or their respective sales, any goods, chattels, wares or merchandizes, taken in execution by the said Constables, or any of them, and the same be proved on the oath or affirmation of one or more credible witness or witnesses, such Constable shall forfeit and pay for every such offence any sum not less than ten, nor more than one hundred dollars, one half for the use of the state, and the other for the use of the person who shall inform of and prove the buying aforesaid, to be recovered in any Court of Record in the county of Philadelphia; and on conviction as aforesaid the said Constable shall be disqualified from holding said office for and during the term for which he shall have been appointed.

Penalty if Constables, or any person for them, shall purchase effects at Constables sales.

[SECT. 4. The former provision for electing a High Constable of Southwark, annulled. Obsolete.]

1799.

## CHAPTER MMXIV.

[See act of  
24th Febru-  
ary, 1806,  
(chap. 2634.  
§ 26.)]

*An ACT authorizing the continuance of the sitting of the Court of General Quarter Sessions of the Peace of the county of Philadelphia beyond the four days, to which they are at present restricted.*

WHEREAS the time heretofore limited for the holding of the Court of General Quarter Sessions of the Peace for the county of Philadelphia has been found, on experience, to be insufficient for completing the business thereof: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the Justices of the County Court of General Quarter Sessions of the Peace for the county of Philadelphia shall, and they are hereby enjoined and required to continue the present, and every future session of the said Court, for so many days as they shall deem necessary to finish the business thereof, and to hold the same by adjournments, as often as occasion shall, in their opinion, require it, any thing to the contrary hereof in any former acts of the General Assembly notwithstanding.

Passed 7th March, 1799.—Recorded in Law Book No. VI. page 352.

## CHAPTER MMXV.

*An ACT authorizing Benjamin Herr, his heirs and assigns, to erect and maintain a mill-dam and wing-dam in the Allegheny river, in the county of Allegheny.*

SECT. 1. [BENJAMIN HERR empowered to erect a mill-dam on the Allegheny river from the head of Wilson's Island to his own land.]

Passed 8th March, 1799.—Recorded in Law Book No. VI. page 353.

## CHAPTER MMXVII.

*An ACT to establish a ferry over the river Susquehanna, at or near the mouth of Juniata, and to vest the right thereof in Matthias Flam and David Watts, their heirs and assigns.*

SECT. 1. [MATTHIAS FLAM and David Watts empowered to establish a ferry on the Susquehanna. The Court of Quarter Sessions of Dauphin county to establish rates and regulations of the ferry. Private right of soil not to be trespassed on.]

Passed 8th March, 1799.—Recorded in Law Book No. VI. page 354.

## CHAPTER MMXXI.

*An ACT to enable the Justices of the Supreme Court to hold Circuit Courts within this commonwealth.*

SECT. 1. *AND be it further enacted by the authority aforesaid, That* from and after the last day of December term next, no judg-

(See vol. 1,  
chap. 255,  
pa. 131, and  
the notes  
thereto.)  
The lien of  
judgments to



ment rendered, either in the said Supreme Court or any of the said Circuit Courts, shall be a lien on real estates, excepting in the county in which such judgment shall be rendered; and that every *testatum* execution shall be a lien upon lands and tenements only from the time of the delivery thereof to the Sheriff, who is directed to endorse the precise time of receiving the same, and shall certify forthwith a transcript thereof together with the day and time of such *testatum* execution coming to his hands, in and to the office of the Clerk of the Circuit Court for the county wherein such lands and tenements shall be, unless the same lands shall be in the county of Philadelphia, in which case such transcript shall be returned into the office of the Prothonotary of the Supreme Court; and shall also make the return of the said writ and endorsement to the office of the Court from whence the writ issues.\*

1799.

be confined  
to real es-  
tates in the  
proper coun-  
ty.

Lien of *tes-  
tatum* exe-  
cutions.

Passed 20th March, 1799.—Recorded in Law Book No. VI. page 358.

[\* The residue of this act is repealed.]

## CHAPTER MMXXII.

*An ACT to continue an act, entitled “An Act to revive the incorporation of the subscribers to the Bank of North-America.”*

[Vol. 2, pa.  
399.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the act, entitled “An Act to revive the incorporation of the subscribers to the Bank of North-America,” passed the seventeenth day of March, in the year of our Lord one thousand seven hundred and eighty-seven, be continued in full force and virtue, in all its parts, for the term of fourteen years, from and after the seventeenth day of March, one thousand eight hundred and one, as fully and effectually as if this present period of its extension were a part of the act above recited, and from thence until the end of the session of the General Assembly of Pennsylvania thence next following.*

The dura-  
tion of the  
charter of  
the Bank  
of North-  
America  
extended.

Passed 20th March, 1799.—Recorded in Law Book No. VI. page 356.

## CHAPTER MMXXVII.

*A SUPPLEMENT to an act, entitled “An Act to regulate hawkers and pedlars.”*

[Original  
act. vol. 2,  
pa. 99.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, no person shall be licensed as a hawker, pedlar or petty chapman, within this state, but such only who is a citizen of the United States, and who, from age, loss of limb, or other bodily infirmity, shall be disabled from procuring a livelihood by labour, which disability shall be proven by certifi-*

Who only  
may be li-  
censed as  
hawkers and  
pedlars.

1799. cate or certificates from one or more physicians of respectable character.

Penalty if any unlicensed person is found hawking and peddling ;

or refuse to shew his licence ;

or lending or borrowing a licence.

In what places licensed hawkers and peddlars shall not sell.

Penalty.

Partial repeal of the former act.

SECT. II. *And be it further enacted by the authority aforesaid,* That if any person, not being licensed as aforesaid (except such whose licenses may not yet be expired) shall be found hawking, peddling or travelling from place to place, through any part of this state, to sell or expose for sale any foreign goods, wares or merchandizes, every person so offending against this act shall be liable to a fine of fifty dollars ; or, being so qualified, shall refuse, upon the request of any citizen of this state, to shew his licence, every person so offending shall be liable to a fine of twenty dollars ; or if any person having a licence shall lend or otherwise dispose of the same to any other person, the person so lending, and the person so receiving the same, shall be liable to a fine of fifty dollars, respectively, which fines shall be recovered and applied, as by the act to which this is a supplement is directed and provided.

SECT. III. *And be it further enacted by the authority aforesaid,* That no person, licensed for the purpose aforesaid, shall be permitted to sell, vend, or expose for sale, any foreign goods, wares or merchandize, in any private or public house, or in any of the open streets, lanes, or alleys, or in any other part or place of the city of Philadelphia, the district of Southwark, or the townships of the Northern-Liberties, Moyamensing, or Passyunk, or any of the corporate or county towns of this state, under the penalty of fifty dollars, to be recovered and applied as before mentioned.

SECT. IV. *And be it further enacted by the authority aforesaid,* That so much of the act to which this is a supplement, as is hereby altered or amended, be, and the same is hereby repealed.

Passed 28th March, 1799.—Recorded in Law Book No. VI. page 366.

## CHAPTER MMXXXI.

*An ACT for incorporating the Trustees of the Ministers and Elders, constituting the General Assembly of the Presbyterian church in the United States of America.*

SECT. 1. [TRUSTEES of the General Assembly of the Presbyterian Church in the United States of America, incorporated by the name of "Trustees of the General Assembly of the Presbyterian Church in the United States of America," with the usual corporate powers. 2. No misnomer to affect grants to the Corporation. 6. The number of the Corporation, how to be changed, and the power of managing its affairs. 7. What number of the Corporation shall constitute a quorum to do business. How questions shall be decided. 8. Of the President and Treasurer. 9. Records and accounts, how to be kept and settled. 10. Limitation of the estate which the Corporation may take and hold.]

Passed 28th March, 1799.—Recorded in Law Book No. VI. page 382.



## CHAPTER MMXXXIII.

1799.

*An ACT to incorporate the town of West-Chester, in the county of Chester, into a borough.*

SECT. 1. [WEST-CHESTER erected into a borough, and its boundaries described. 2. When and what borough officers shall be chosen. 3. Proceedings at the election of borough officers, and making return thereof. 4. Powers of the borough officers in making by-laws, regulating the streets, &c. and levying taxes. 5. The borough incorporated, with the usual powers and privileges of a corporation, by the name of "The Burgesses and Inhabitants of the Borough of West-Chester in the county of Chester." 6. The borough officers empowered to purchase a site of a market. 7. Penalty for refusing to act as a borough officer, how to be recovered, and appeal allowed. 8. Qualification of the borough officers.]

Passed 28th March, 1799.—Recorded in Law Book No. VI. page 389.

## CHAPTER MMXXXIV.

*An ACT to erect the town of Lebanon, in the county of Dauphin, into a borough.*

SECT. 1. [The town of Lebanon erected into a borough, and its boundaries described. 2. When and what borough officers shall be chosen. 3. Proceedings at the election of borough officers, and making return thereof. 4. Powers of the borough officers in making by-laws, regulating streets, and levying taxes. 5. Regulation respecting markets. 6. The borough incorporated, with the usual powers and privileges of a Corporation, by the name of "The Burgesses and Inhabitants of the Borough of Lebanon in the county of Dauphin." 7. Penalty for refusing to act as a borough officer, how to be recovered and appeal allowed. 8. Qualification of the borough officers.]

Passed 28th March, 1799.—Recorded in Law Book No. VI. page 378.

## CHAPTER MMXL.

*An ACT for perpetuating the penal laws of this state.*

(See vol. 2, pa. 531.)

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the act, entitled "An Act to reform the penal laws of this state," passed the fifth day of April, one thousand seven hundred and ninety, as was continued by the act, entitled "An Act to continue in force the act, entitled An Act to reform the penal laws of this state, and for other purposes therein mentioned," passed the eighteenth day of April, one thousand seven hundred and ninety-five, together with the last recited act, excepting only so much there-*

The penal laws made perpetual.

1799. of as limits the continuance of the said recited act, be, and the same hereby are, made perpetual.

Passed 4th April, 1799.—Recorded in Law Book No. VI. page 372.

## CHAPTER MMXLI.

(Ante. pa. 312  
chap. 1963.)

*An ACT to vest in the President, Directors and Company, for erecting a permanent bridge over the river Schuylkill, at or near the city of Philadelphia, the right and title of this commonwealth to the lot or piece of ground therein mentioned.*

SECT. 1. [Grant of a lot of ground for erecting a permanent bridge over Schuylkill. 2. Proceedings in case any title or claim is set up for the said lot.]

Passed 4th April, 1799.—Recorded in Law Book No. VI. page 372.

## CHAPTER MMXLII.

*An ACT for offering compensation to the Pennsylvania Claimants of certain lands within the Seventeen Townships in the county of Luzerne, and for other purposes therein mentioned.*

Commissioners appointed to ascertain the quality, quantity and situation of lands in the Seventeen Townships in Luzerne county, held by Pennsylvania Claimants before the decree of Trenton.

The lands to be divided into four classes, and valued.

Proviso, that the Commissioners shall not proceed, till 40,000 acres are ceded to the State by Pennsylvania Claimants, and till Connecticut Claimants to that amount have agreed to abide by the decision

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Isaac Whelen, of Chester county, Thomas Boude, of Lancaster county, and General William Irvine, of Cumberland county, be, and they are hereby appointed Commissioners, whose duty it shall be carefully to examine and ascertain the quantity, quality and situation of all lands, lying within what have been commonly called and known by the name of the Seventeen Townships in the county of Luzerne, held or claimed under a Pennsylvania title, under a patent, or a location or warrant, before the decree of Trenton, by which the right of jurisdiction was declared to be in Pennsylvania, on which a survey has been executed, and returned agreeably to law, and to divide the same, according to their value, into four classes, distinguished by the name of the first, second, third and fourth class, the first class to contain the lands of the greatest value, and the second, third and fourth classes those of inferior value, preserving a due proportion between each, and shall adjudge what sum per acre each Pennsylvania Claimant shall receive, not exceeding the rates hereinafter mentioned: *Provided always*, That nothing herein contained shall authorize the said Commissioners to proceed to the performance of the duties enjoined upon them by this act, until persons claiming land to the extent of forty thousand acres, under grants made by Pennsylvania, shall have conveyed and released the same to the State, by deeds, duly executed, and filed in the Land-Office, for the purpose and for the considerations expressed in this act, and until persons commonly called Connecticut Settlers, claiming land to the extent aforesaid, shall have signified in writing, under their hands and seals, duly executed in the presence of two*



witnesses, and filed in the Land-Office, that they will submit to and abide by the determination of the said Commissioners: *And provided*, That if part of the said land, but not to the extent aforesaid, shall have been released, or if the Connecticut Claimants, to the extent aforesaid, should not make their submissions according to the provisions herein contained, then such releases, as shall have been made by Pennsylvania Claimants as aforesaid, shall be null and void, and the property, which shall have been so as aforesaid released, shall vest and be held in the same manner, as if this act had not been passed: *Provided also*, That the lines of the respective tracts of lands, so as aforesaid submitted to the examination of the Commissioners, shall be the same as those bounding the original grants, and that the said Commissioners shall not examine any lands, but those which the Pennsylvania Claimants shall have agreed as aforesaid to submit to their examination.

1799.

The Commissioners. If cessions and agreements are not made to that amount, the former shall be void.

The Commissioners shall only examine the lines bounding the original grants of lands agreed to be ceded.

Compensation to be made to the Pennsylvania Claimants in certificates, transferable, and bearing interest, and receivable as specie at the Land-Office.

Rate of compensation for the respective classes of Claimants, according to the relative value of the tracts of land,

SECT. II. *And be it further enacted by the authority aforesaid*, That to such of the aforesaid Pennsylvania Claimants, having title as aforesaid to lands within either of the said classes, who shall comply with the conditions of this act, such compensation shall be made as the said Commissioners shall award, not exceeding the rates herein after set forth, in certificates, to be issued as herein after directed, transferable and bearing interest, receivable as specie in payments to be made at the Land-Office, that is to say; to those whose lands shall be in the first class a sum not exceeding five dollars an acre; to those whose lands shall be in the second class a sum not exceeding three dollars an acre; to those whose lands shall be in the third class a sum not exceeding one dollar and fifty cents an acre; and to those whose lands shall be in the fourth class a sum not exceeding twenty-five cents an acre: *Provided always*, That nothing in this act contained shall be construed to direct or empower the said Commissioners to include the whole or any one original survey in any one class, unless in their opinion the quality of the whole tract will justify it, nor that they shall fix the price of each tract included in the same class at any price per acre, unless in their opinion such tracts should be of equal value, but that the rate per acre of the several tracts arranged in the same class shall be according to their relative value.

SECT. III. *And be it further enacted by the authority aforesaid*, That every Pennsylvania Claimant, who shall have conveyed and released to the commonwealth a regular title, as specified in this act, shall, on application to the Board of Property, be entitled to receive a ticket, directed to the Comptroller-General, stating the number of acres so released and conveyed to the commonwealth, and the class to which the said land belongs; and also certifying the amount awarded by the commissioners in favour of such Pennsylvania Claimant, and the balance of principal and interest due from such Pennsylvania Claimant to the commonwealth, on account of the original purchase money of such tract or tracts, which shall be submitted to the Register-General, and the Comptroller-General to issue and deliver to such Claimant one or more certificates of the nature herein before specified, for the sum to which his compensation shall amount, after having deducted the principal and in-

Proceedings for obtaining a certificate by the Pennsylvania Claimants.

1799.

Appropriation for paying the certificates.

Disputes between Pennsylvania Claimants to be settled by the Board of Property with appeal from their decision.

(See act of 20th March, 1810.)

Time allowed for applying for compensation under this act.

The commissioners shall ascertain the rights of lots of Connecticut Claimants in the said seventeen townships, before the decree of Trenton, and divide them into four classes.

Such original Connecticut Settlers applying, and securing the purchase money, before 1st of January, 1801, shall be entitled to patents.

Provide not to affect Pennsylvania Claimants; and the lands to be mortgaged for the

terest so due to the commonwealth; and the said Comptroller-General is hereby authorized and directed to issue such certificate or certificates accordingly, and to alter or renew such certificates, so as to accommodate payments at the Land-Office; and all public money which shall come to the hands of the Receiver-General is hereby appropriated to the payment of the said certificates; and in case of disputes between Pennsylvania Claimants, before the issuing of the certificates in pursuance of this act, such disputes shall be decided by the Board of Property, according to the general usage: *Provided*, That their decision shall not prevent the party, against whom it is made, from prosecuting his claim in the courts of law as usual; and in case of an appeal from the decision of the Board of Property, the certificates shall not issue until the dispute shall be decided.

SECT. IV. *And be it further enacted by the authority aforesaid*, That no Pennsylvania Claimant shall be entitled to compensation under this act, who shall not make application to the Board of Property for that purpose within six months from the passing of this act: *Provided*, That if such Claimant shall, at the time of passing this act, be a feme-covert, under the age of twenty-one years, or out of the United States, one year shall be allowed for making such application from the time such Claimant shall cease to be a feme-covert, arrive at the age of twenty-one years, or return to some part of the United States.

SECT. V. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the said commissioners also to ascertain all the rights or lots within the said seventeen townships, which were occupied or required by Connecticut Claimants, who were actually settlers there at or before the time of the said decree at Trenton, and which rights or lots were particularly assigned to the said settlers prior to the said decree, agreeably to the regulations then in force among them, and to divide the said rights or lots into four classes, to be distinguished in the manner herein before mentioned, according to their respective value, taking into consideration both the quality and situation, and make out certificates therefor, with a draft of the survey thereto annexed; and in case the said original settlers, their heirs or assigns, shall make application to the Land-Office at any time before the first day of January, in the year of our Lord one thousand eight hundred and one, and agree to pay to the commonwealth, by eight equal annual instalments, at the rate of two dollars per acre for lands of the first class; at the rate of one dollar and twenty cents per acre for lands of the second class; at the rate of fifty cents per acre for lands of the third class; and at the rate of eight and one third cents per acre for lands of the fourth class; with interest upon each instalment till the same is paid; whereupon patents for lands so certified shall be issued from the proper office, paying the legal fees for such patents, and also the surveying fees: *Provided nevertheless, and it is hereby expressly ordered*, That no patents shall issue to affect any lands, the titles whereof shall be in any person or persons claiming under Pennsylvania, until such person or persons have conveyed their title to the commonwealth: *And provided also*, That the lands to be granted



to any Connecticut Claimants, by virtue of this act, shall be mortgaged by such Claimant or Claimants, for the payment of the principal and interest of the aforesaid instalments due to the commonwealth as aforesaid.

1799.

purchase money.

SECT. VI. *And be it further enacted by the authority aforesaid,* That in case any lands shall be conveyed to the commonwealth by the aforesaid Pennsylvania Claimants, for which no application shall be made in the manner herein before directed by Connecticut Claimants on or before the first day of January, in the year one thousand eight hundred and one, it shall be lawful for the Governor, and he is hereby required, to order such lands to be sold at public auction, in the city of Philadelphia, giving six months notice of such sale in one or more of the newspapers of the said city, provided the same shall not be sold at a less price than that at which the state has by this act directed it to be offered to the Connecticut Claimants; and in case any of the land so exposed to sale should not sell for the sum for which it was offered to the Connecticut Claimants, then, in such case, it shall be the duty of the Attorney-General immediately thereafter to cause legal process to be issued for dispossessing every such person of the land so claimed, and not sold by the commonwealth, excepting in the case of minors under twenty-one years of age, and persons beyond sea, who shall be allowed a further time of one year from the time the land claimed by them was exposed to sale as aforesaid, by themselves, guardians or attorneys, to make their application, and comply with the terms of this act.

If lands ceded by Pennsylvania Claimants shall not be applied for by Connecticut Settlers, the same may be sold after the 1st of January, 1801.

Proceedings to dispossess intruders on lands not so sold.

SECT. VII. *And be it further enacted by the authority aforesaid,* That each person claiming the provisions of this act shall, prior to the commissioners classing and valuing such person's land by virtue of this act, make oath or affirmation (which oath or affirmation either of the said commissioners is hereby authorized to administer,) "that he or she does not claim title under a joint right of the Pennsylvania claimants and of the Connecticut settlers, but that he or she holds exclusively under one or the other of the aforesaid rights, and that he or she has not directly or indirectly done, or caused to be done, any act or thing, to destroy or conceal such joint title, with a view of coming within the provisions of this act;" and if it shall appear that any person claiming the provisions of this act holds by such joint title, or that such joint title has been destroyed or concealed with the view aforesaid, then, in that case, such lands shall not be within the provisions of this act.

Qualification to be taken by claimants.

Lands held under a joint title from Pennsylvania and Connecticut not within this act.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That each of the said commissioners, before he acts, shall take an oath or affirmation, before some Judge or Justice of the peace, "that he will diligently, faithfully and impartially discharge the duties assigned to him by this act;" and in case either of the said commissioners shall die, or refuse or become incapable to act, the Governor shall appoint a person to supply his place; and all acts by a majority of the said commissioners shall be as valid as if they had all joined therein.

Qualification of the commissioners; how vacancies shall be supplied; a majority to act.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the said commissioners shall keep a regular account of their

The commissioners

1799.

shall keep a record, may appoint a Clerk and Surveyors, who shall be qualified by oath of office, and receive a reasonable compensation; the record and surveys to be returned into the Land-Office.

proceedings in a book, which shall be deposited by them in the office of the Secretary of the Land-Office; and they may appoint a Clerk, who shall be sworn or affirmed before them faithfully to register all their proceedings in pursuance of this act, and they may appoint a Surveyor or Surveyors, and employ chain-carriers and markers for the purpose of such surveys, as they shall judge necessary, and the said Surveyors, chain-carriers and markers shall be sworn before a Justice of the Peace or one of the commissioners, faithfully to perform their respective duties, and shall receive a reasonable compensation for their services, to be fixed by the said commissioners, and paid by the commonwealth; and all surveys made by direction of the said commissioners shall be by them returned to the office of the Surveyor-General.

Compensation of the commissioners.

SECT. X. *And be it further enacted by the authority aforesaid,* That there shall be allowed, and paid out of the public Treasury, to each of the said commissioners, three dollars and fifty cents per day, and to their clerk three dollars per day, for each day that they shall be respectively employed in performing the duty required by this act.

How disputes between the Connecticut claimants shall be settled.

SECT. XI. *And be it further enacted by the authority aforesaid,* That in cases of dispute between the Connecticut claimants, they may elect to have the same decided by the said commissioners, or appeal, before such decision, to the Court of Common Pleas of the proper county; and a certificate from the clerk of such commissioners, or from the Prothonotary of such Court of Common Pleas, before which tribunal such decision may be had, certifying in whose favour the same is adjudged, shall be good evidence to obtain a patent from the proper office aforesaid. (1)

Passed 4th April, 1799.—Recorded in Law Book No. VI. page 394.

(1) By a supplement to this act, passed 15th March, 1800, (chap. 2127,) the Register-General was directed to sign all the certificates issued under the act, and unless so signed, the certificates are declared to be unlawful, and to create no evidence of any property or right in the holder, or other person: and the manner of cancelling such certificates, is prescribed. The time for receiving applications from Pennsylvania claimants was extended to the 1st October, 1800.

By a further supplement, passed 6th April, 1802, (chap. 2289,) all Pennsylvania claimants, whose titles originated prior to the decree at Trenton, entitled to land within the seventeen townships, who shall transmit their releases, and all Connecticut claimants, intended to be embraced within the provisions of the act in the text, claiming land in the said townships, who shall submit their titles to the Secretary of the Land-Office, before the 1st August, 1802, shall be intitled to all the benefit of the act in the text.

Sect. 2. All applications of Connecti-

cut claimants, actually transmitted and received at the Land-Office aforesaid, although after the time heretofore appointed by law for their being received, shall be acted upon by the commissioners, in like manner as if they had been received before the expiration of the time so limited and appointed.

Sect. 3. And as divers Connecticut claimants, had, since their applications had been transmitted to the Land-Office, sold their land, or part thereof, to other persons; *it is enacted,* that such subsequent purchasers shall be admitted to the benefits of the act in the text, in the same manner as their vendors would have been entitled, without a new application; and all purchasers under process of law, of land claimed under the title of the Susquehanna Company, within the said seventeen townships, already submitted by a former claim thereof, shall be equally intitled to the benefits of the act in the text, as if such purchaser himself had submitted the same by his application to the Land-Office for that purpose. [And see the third section of the



act "To maintain the territorial rights of the state, &c. passed the same day, (chap. 2288,) by which such purchasers are protected from the penalties of that act.]

Sect. 4. Attornies or agents duly authorized by such Connecticut claimants, whose applications had been made, or may be transmitted to the Land-Office, or commissioners aforesaid, under the provisions of the act in the text, or this supplement, where such claimants are infants, or residents of a distant part of the state, or out of the state, or are disabled by sickness, or corporal infirmity from attending the commissioners in person, may exhibit the title of such claimant, and take the oath of single title enjoined by the act in the text, in respect of the land so claimed, to the best of their knowledge and belief; and the same shall be equally valid, as if done by the principals in person.

Sect. 5. The commissioners, or any of them, shall have power to summon before them any person or persons, and to administer oaths or affirmations generally, to any person appearing before them, touching the objects of the present act, and the act in the text; and any person swearing falsely in respect to any matter whereunto he shall be examined by said commissioners, or any of them, and within the duties of their office, shall be subject to all the penalties annexed by law to the crime of perjury; but the power of the commissioners to summon and examine, upon oath or affirmation, any person whatsoever, shall be confined to the proper objects of their commission, and the duties by law assigned to them.

Sect. 6. It is made the duty of the Attorney-General, to give his legal advice and opinion, without delay, on any question submitted to him by the said commissioners, or a majority of them, respecting the execution of their commission.

Sect. 7. Commissioners empowered to employ one additional clerk permanently, and such occasional assistance as may be requisite, &c.

Sect. 8. Commissioners to be reimbursed all reasonable costs incurred in transporting the books, &c. from one place to another, and their travelling expenses.

Sect. 9. It shall be the duty of the said commissioners to survey, value and certify, not merely such parts and portions of the tracts of land claimed under the Susquehanna company, within the seventeen townships, as had been or may be released by the Pennsylvania claimants, but the whole of each tract of land claimed by a Con-

necticut claimant who shall establish his title in the manner prescribed by the act in the text, whether released to the commonwealth, or not; and if any Pennsylvania claimant of such land shall refuse or neglect to release, before 1st August, 1802, such claimant shall not recover the same in any action against the Connecticut claimant, in whose favour a certificate shall be granted by the commissioners for such land, or any person claiming under such certificate, &c. But he shall be at liberty to institute a suit in the Supreme Court against the commonwealth, which suit shall be tried and determined, &c. at which trial the court and jury shall have power to award a just compensation for the land so taken from the Pennsylvania claimant. *Provided*, he shall make it appear that he is fully, fairly and exclusively entitled to such land, except as against the person claiming by virtue of the certificate, &c.

Sect. 10. Every Connecticut claimant applying for a certificate, first to deliver up to the commissioners all title papers, which they are to transmit to the Secretary of the Land-Office.

Much of the foregoing supplement is now obsolete, and the power of the commissioners is extinct.

By a further supplement, passed 4th April, 1805, (chap. 2612.) Such Connecticut settlers of the *fifteen* townships, claiming lands under the act in the text, as are, or may be entitled to receive patents for the same, who may desire such lands to remain as a security for the purchase money, without the expense of mortgaging, and requesting this to be done by writing under hand and seal transmitted to the Secretary of the Land-Office, the Secretary shall thereupon issue patents to them, and certify thereon the amount of purchase money due, and the periods when the same shall become due, which shall be a lien on the land, in nature of a mortgage. Such certificate on such patents, &c. to be recorded in the proper county, within six months after the date of the patents, or patents to be void: and such records shall be as good evidence of the purchase money due to the commonwealth, and upon which to bring a suit for the recovery of the same, as if it had been secured by mortgage in proper form, recorded at large.

The Recorder of Luzerne county authorized to record and certify, &c. the "*Westmoreland* records."

By a further supplement, passed 9th April, 1807, (chap. 2840.) Pennsylvania claimants, claiming lands within the fifteen townships, whether from titles prior to the decree of Trenton, or ac-

1799.

quired by warrant and survey prior to 28th March, 1807, &c. may release their several claims to the commonwealth, and transmit the same to the Secretary of the Land-Office by the 1st of August, (1807.) And all Connecticut claimants, claiming lands in said townships may apply and transmit their applications to the Secretary of the Land-Office on or before 1st October, (1807,) in the manner heretofore used under the act in the text, and shall be entitled to all the privileges of said act, and supplements thereto.

Sect. 2. The commissioners under said act and supplements, in examining the claims of the Connecticut claimants already submitted, or those which may be hereafter submitted, &c. shall not require the said lands to have been occupied prior to the decree of Trenton, but shall certify the same to the applicants, if under the rules and regulations of the Susquehanna company at any time, they should otherwise thereto be entitled.

Sect. 4. A new survey to be made of part of Newport township, and patents to issue in conformity to said survey.

By act of 28th March, 1808, (chap. 2994.) All powers vested in the commissioners are suspended; and they are directed to deposit all their books, records and papers, &c. in the office of the Secretary of the Land-Office on or before 15th May, 1808. And it is made the duty of the Secretary of the Land-Office and Surveyor-General to report to the next legislature, the situation of the business, shewing what has been done, and what will be the probable expense to the state.

Ninety days allowed to persons who had obtained patents and not recorded them under the act of 4th April, 1805, to have them recorded, &c. Act of 3d April, 1809.

By act of 19th March, 1810, for the purpose of adjusting the titles to lands in Bedford and Ulster townships, the Governor is required to appoint three commissioners to examine the lands, &c. and divide them into four classes, according to their comparative value, and adjudge what shall be paid to each Pennsylvania claimant, who shall receive certificates of the value thereof, if he will accept of the compensation, which certificate shall be presented to the Secretary of the Land-Office, who shall certify the amount of the purchase money and interest due to the commonwealth, to the accounting department, who shall deduct the same from the compensation fixed by the commissioners, and the balance shall be paid by the Treasurer, on warrants drawn by the Auditor-General. Disputes between

Pennsylvania claimants to be settled by the board of property, with appeal, &c. Secretary not to certify to the accounting department until final decision.—Pennsylvania claimants may institute suits in the Common Pleas of the proper county, if they do not choose to accept the compensation offered by the commissioners, &c. but if they do not recover a greater sum than that fixed by the commissioners, they shall pay costs of suit. Commissioners to ascertain the lots occupied by Connecticut claimants, &c. and to allot the same to them, and divide the same into four classes, &c. and deliver them certificates of the sum to be paid for said lands, which shall be paid in eight equal annual instalments, with interest from the date of the certificate. The Secretary of the Land-Office to issue patents thereon, certifying the sum due, which shall be recorded in six months, or patents to be void, &c. But no certificate to issue for lands on which a Pennsylvania claimant resides. Claimants not to hold under a joint title. Commissioners to take an oath of office, acts of a majority to be valid. Governor to supply vacancies. An account of their proceedings to be kept. All surveys to be returned to the Surveyor-General's office. Disputes between Connecticut settlers to be decided by the commissioners. The duties to be performed before the second Tuesday of December, 1810, and the accounts to be laid before the next legislature.

By act of 20th March, 1810. In case of disputes between Pennsylvania claimants, under the act in the text, on demand of either party, the board of property may direct an issue to the Court of Common Pleas at the seat of government, to decide the right, the decision to be final, and the certificate to be delivered accordingly.

This act arose out of the decision in the case of the *commonwealth v. Cochran*, 1 Binney, 324

By act of 23d January, 1811. Any Connecticut settler may pay the whole purchase money and interest at the time of taking out his patent, or any number of the instalments. If any Connecticut settler shall have neglected or omitted to have his patent recorded, but shall within the time in which the last instalment becomes due pay the whole principal and interest, then the patents shall be valid, but not otherwise. Persons holding certificates who do not apply before the 1st Nov'r, 1812, for a patent, and secure the payment, &c. shall be liable to pay interest on the aggregate amount of principal and interest from said time. Persons hold-



ing certificates for lands in Bedford and Ulster, shall make application for patents within two years from the date of their certificates, or be liable to pay interest upon the aggregate amount of principal and interest due at the end of the said two years until the debt is discharged.

By act of 23d March, 1811. Pennsylvania claimants, who had a right to bring suit in the Supreme Court, before 4th Monday in October, 1809, may bring suit in the Common Pleas of Luzerne

county against the commonwealth.

Interest ceased on certificates issued under the act in the text on 1st April, 1806.—See act of 31st March, 1806, (chap. 2718;) and see the act to compensate David Meade and others, passed 9th March, 1796, (chap. 1866,) ante. page 267, and the act to redeem the certificates in that act mentioned, passed 1st April, 1805, (chap. 2587.)

See also (chap. 1815,) ante. pa. 209, and the notes thereto.

1799.

## CHAPTER MMXLIII.

### *An ACT for the relief of the Chambersburgh Academy.*

SECT. 1. [GRANT of two thousand dollars to the Chambersburgh Academy. 2. Provision for educating poor students gratis, not more than five at any one time, &c.]

Passed 5th April, 1799.—Recorded in Law Book No. VI. page 433.

## CHAPTER MMXLV.

### *An ACT declaring Dunkard creek, in the county of Greene, a public highway.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, Dunkard creek, in the county of Greene, from the mouth thereof up to the main fork (or the several parts thereof which pass through this commonwealth) shall be, and the same is hereby declared to be a public highway, under the limitations and restrictions herein after specified; and it shall and may be lawful for any person desirous of improving or using the navigation of said creek to remove all natural and artificial obstructions, excepting mill-dams already built, from the mouth thereof up to the main fork, or the several parts thereof which pass through this commonwealth, and also to erect such slopes at the mill dams already built, and keep them in repair, as may be necessary for the passage of boats and rafts, and the ascent of fish: *Provided always,* That such slopes be so constructed, as not to injure the works of said dams.

Dunkard creek declared a public highway.

What, and how obstructions to the navigation may be removed.

SECT. II. *And be it further enacted by the authority aforesaid,* That nothing in this act contained shall be deemed, taken or understood to prevent any person or persons, possessing lands on said creek, who, before the passing of this act, had authority under the laws of this commonwealth to erect a dam, from erecting any such dam or dams that he or she may think proper: *Provided always,* That such dams be so constructed, and continued in repair, as that there may be a slope to each dam at least thirty feet in width, ex-

Persons heretofore authorized may erect and maintain dams, provided they are kept in order and repaired.

1799. tending four times the distance down the creek that such dam may be in perpendicular height, and sufficient for the passage of boats and rafts, and the ascent of fish.

Passed 5th April, 1799.—Recorded in Law Book No. VI. page 434.

## CHAPTER MMXLVI.

*An ACT to repeal part of an act, entitled “An act for regulating, pitching, paving and cleansing the highways, streets, lanes and alleys, and for regulating, making and amending the water-courses and common sewers, within the inhabited and settled parts of the city of Philadelphia, for raising of money to defray the expenses thereof, and for other purposes therein mentioned.”*

(Vol. I, page 397.)

WHEREAS the inhabitants of the Northern-Liberties of the city of Philadelphia, the district of Southwark, and the townships of Moyamensing and Passyunk, and inhabitants of the city of Philadelphia, holding or possessing lands within the said district and townships, are much aggrieved by the restrictions laid on the transportation of produce and manure, from or to their respective possessions, on or over the paved parts of the said city, by an act, entitled “An act for regulating, pitching, paving, and cleansing the highways, streets, lanes and alleys, and for regulating, making and amending the water courses and common sewers, within the inhabited and settled parts of the city of Philadelphia, for raising of money to defray the expenses thereof, and for other purposes therein mentioned, passed the eighteenth day of February, one thousand seven hundred and sixty-nine: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the act aforesaid, as debars or prevents any person or persons residing within the Northern-Liberties of the city of Philadelphia, the district of Southwark, the townships of Moyamensing and Passyunk, or within the city of Philadelphia, holding or possessing lands within the said district or townships, from transporting in his, her or their waggons, wains or carts, for his, her or their own proper use, any matters or things whatsoever, on or through any of the paved parts of the said city, unless the fellies of the wheels of such waggons or carts be of certain dimensions, and the loads thereon do not exceed a certain weight, be, and the same is hereby repealed.*

Repeal of so much of a former law, as regulates the wheels of waggons and carts owned and used by inhabitants in the Northern-Liberties, Philadelphia, Southwark, Moyamensing and Passyunk.

Passed 5th April, 1799.—Recorded in Law Book No. VI. page 438.

## CHAPTER MMXLVII.

*An ACT for incorporating the congregation of the Protestant Episcopal church of St. John, in West-Calm, in the county of Chester, and for other purposes therein mentioned.*

SECT. 1. [THE minister, church-wardens and vestry of St. John's church, in the township of West-Calm, in the county of Ches-



ter, incorporated. 2. Power and privileges of the corporation. 1799. 3. Appropriation of the revenues of the corporation. 4. Power of the corporation to alien their estate. 5. Proviso as to the assent to sell; and appropriation of the proceeds. 6, 7, 8. Corporate powers to transact business, and make by-laws, &c. 9. Number of the corporation; when and by whom elections shall be made. 10. Church-wardens and treasurer, when and how chosen; and how vacancies shall be supplied. 11. Limitation of the annual revenue of the corporation. 12. The late trustees shall assign all bonds and securities to the corporation.]

Passed 5th April, 1799.—Recorded in Law Book No. VI. page 439.

## CHAPTER MMXLIX.

*An ACT to erect and alter certain election districts within this commonwealth.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the electors of the district composed of the townships of Fermanagh and Milford, in the county of Mifflin, shall hold their elections at the public school-house in Mifflin town, any thing in any law contained to the contrary notwithstanding.

Where elections for the townships of Fermanagh and Milford, in Mifflin county, shall be held.

SECT. II. *And be it further enacted by the authority aforesaid, That*, from and after the passing of this act, the township of Salt Lick, in the county of Fayette, shall be, and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Andrew Trapp, Esquire, in said township, to be called the sixth district, any law to the contrary notwithstanding.

Salt Lick township, in Fayette county, erected into an election district.

SECT. III. *And be it further enacted by the authority aforesaid, That* so much of the county of Allegheny, as is hereafter described, viz. beginning on the line dividing Elder's and Cunningham's districts of depreciation land, five miles north of the mouth of Bull creek, being the south-east corner of Middlesex township, thence west twenty miles to the west side of Alexander's district of depreciation land, thence north along the west line to the line dividing the depreciation and donation lands, thence east along the last mentioned line to the line dividing Elder's and Cunningham's districts aforesaid, thence south to the place of beginning, shall be a separate election district, and the electors thereof shall hold their elections at the house now occupied by Andrew M'Clure, in said district.

Part of Allegheny county erected into an election district.

Passed 8th April, 1799.—Recorded in Law Book No. VI. page 436.

1799.

## CHAPTER MML.

*An ACT for altering and erecting certain election districts within this commonwealth.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the township of Limerick, and such parts of the townships of Douglass and New-Hanover, as lie south-west of a line beginning where the line of Berks county crosses the Fox Hill in Douglass township aforesaid, thence extending along the summit of said hill, until it intersects the road leading through Falkner's swamp to Philadelphia, near the house now occupied by the Reverend Frederick Wyerland, then extending down the said road to the line of Limerick township aforesaid, being a part of the fifth election district in Montgomery county, are hereby erected into an election district, to be called the sixth election district; and the electors thereof shall hold their elections at the house now occupied by George Pfeiger, in Pott's town, in the township of Douglass aforesaid: And the townships of Upper-Hanover, Marlborough and Frederick, and so much of the townships of Douglass and New-Hanover, as lies north-east of the line of the sixth election district, being part of the said fifth election district, are hereby erected into an election district, to be called the fifth election district; and the electors thereof shall hold their elections at the house now occupied by Henry Creps, in the township of New-Hanover aforesaid.*

The sixth election district in Montgomery county erected.

The fifth election district.

Place of holding elections in Greene district, Greene county.

The seventh election district in Lancaster county erected.

SECT. II. *And be it further enacted by the authority aforesaid, That the electors of Greene district, in the county of Greene, from and after the passing of this act, shall hold their elections at the house now occupied by John Burley, within said district.*

SECT. III. *And be it further enacted by the authority aforesaid, That, from and after the passing of this act, the townships of Warwick and Rapho, in the county of Lancaster, are hereby erected into a separate election district, to be called the seventh district; and the electors thereof shall hold their elections at the house now occupied by John Heintzelman, in the town of Manheim, in the township of Rapho aforesaid.*

Place of holding elections in the third district of Lancaster county.

SECT. IV. *And be it further enacted by the authority aforesaid, That the electors of the townships of Donegal and Mount-Joy, forming the third district in the county aforesaid, shall hold their elections at the house of Alexander Boggs, formerly occupied by John Wolfley, near Elizabeth town, in the township of Donegal aforesaid.*

The seventh election district in Northampton county erected.

SECT. V. *And be it further enacted by the authority aforesaid, That the townships of Upper and Lower Mount-Bethel, being part of the first district in the county of Northampton, shall, from and after the passing of this act, be a separate election district, to be called the seventh election district; and the electors thereof shall hold their elections at the house now occupied by Samuel Gulick, at or near the line of the said townships.*

The fourth election district

SECT. VI. *And be it further enacted by the authority aforesaid, That that part of Beaver township, in Northumberland county, ly-*



ing westward of the following line, viz. beginning at the house of Francis Long, at the foot of Jacks's mountain, thence a south course to George Thomas's, at the foot of the said mountain, including the said Francis Long and George Thomas, thence in the same direction to the Mohontango township line, being part of the sixth election district, shall be a separate election district, to be called the fourteenth district; and the electors thereof shall hold their elections at the house now occupied by Henry Groce, senior, in Beaver township aforesaid. 1799.

in Northumberland county erected.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the township of Wharton, being part of the first election district in the county of Fayette, shall, from and after the passing of this act, be a separate election district, called the fifth election district; and the electors thereof shall hold their elections at the house now occupied by Samuel Bell, in said township.

The fifth election district of Fayette county erected.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the township of Manallin, now part of the third election district, in the county aforesaid, shall be, and the same is hereby annexed to the Union election district; and the electors thereof shall, from and after the passing of this act, hold their elections at the court-house in the town of Union.

Manallin annexed to Union election district;

place of holding elections.

SECT. IX. *And be it further enacted by the authority aforesaid,* That Jefferson township, in the county of Greene, and such part of Morgan township, in said county, as lies east of the road leading from Waynesburgh to the town of Washington, shall be a separate election district; and the electors thereof shall hold their elections at the house now occupied by Samuel Salmon, in the town of Jefferson; and that the remaining part of Woodruff's district be annexed to the district of Franklin township; and the electors thereof shall hold their elections at the same place with those of the same district.

Elections of Jefferson and part of Morgan townships, in Greene county, and that part of Woodruff's district annexed to Franklin township.

SECT. X. *And be it further enacted by the authority aforesaid,* That so much of Erie township, in the county of Allegheny, as lies within the following bounds, viz. beginning at the north-east corner of the triangle in said township, thence by the state line dividing New-York from Pennsylvania south to the old line of Pennsylvania; thence west by said line to the two hundred and thirty-five mile tree; thence north to Lake Erie, and thence along said Lake to the place of beginning, shall be a separate election district; and the electors thereof shall hold their elections at the house now occupied by Timothy Tuttle, in said district.

Part of Erie township, in Allegheny county, erected into an election district.

SECT. XI. *And be it further enacted by the authority aforesaid,* That the following bounds, in the county of Allegheny, viz. beginning at the north-west corner of Power's district; thence south along the line of the state to the south-west corner of Power's district, thence east along the line of Power's district about eleven miles; thence north along a line that strikes the east side or outlet of the Little Coniott Lake, and continuing the same line and course until it intersects the line dividing Power's and Rees's districts; and thence along said line to the place of beginning, shall be a separate election district; and the electors thereof shall hold their elections at the house now occupied by John M'Gunnigle, in said district.

Boundaries of a separate election district in Allegheny county.

1799.

Boundaries  
of a separate  
election  
district in  
Allegheny  
county.

SECT. XII. *And be it further enacted by the authority aforesaid,* That the following bounds, in the county of Allegheny, viz. beginning at the north-west corner of the state of Pennsylvania; thence south along the western boundary thereof ten miles, to the line dividing Rees's and Power's districts; thence east along said line twelve miles; thence north to Lake Erie; thence along said Lake to the place of beginning, shall be a separate election district; and the electors thereof shall hold their elections at the house now occupied by Thomas Hamilton, in the town of Lexington, in said district.

Boundaries  
of a separate  
election  
district in  
Allegheny  
county.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That the following bounds in the county of Allegheny, viz. beginning at the south-east corner of the Triangle; thence west along the old line of the state, to the election district established by the twelfth section of this act; thence south by said district to the line dividing Rees's and Power's districts; thence by said line east to the district established by the fourteenth section of this act; thence north to the place of beginning, shall be a separate election district; and the electors thereof shall hold their elections at the house now occupied by Daniel Henderson, in the town of Waterford.

Boundaries  
of a separate  
election  
district in  
Allegheny  
county.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That the following bounds in Allegheny county, viz. beginning at the south-east corner of the Triangle in Erie township; thence east along the old line of the state to the Allegheny river; thence down the said river to the line dividing the late districts of M'Dowell and Nicholson; thence west by said line to Power's district; and thence north to the place of beginning, shall be a separate election district; and the electors thereof shall hold their elections at the house now occupied by William Miles, in said district.

Boundaries  
of a separate  
election  
district in  
Allegheny  
county.

SECT. XV. *And be it further enacted by the authority aforesaid,* That the following bounds in the county of Allegheny, viz. beginning at the Allegheny river, at the division line between the depreciation and donation lands; thence west along said line to the north-west corner of Alexander's district; thence north to the division line between the third and fourth donation districts; thence east to the Allegheny river, thence down said river to the place of beginning, shall be a separate election district; and the electors thereof shall hold their elections at the house now occupied by James Buchannan, in said district.

Boundaries  
of a separate  
election  
district in  
Allegheny  
county.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That the following bounds in the county of Allegheny, viz. beginning at the north-west corner of the fourth district of donation lands; thence east along the division line between the fourth and fifth districts of donation lands nineteen miles; thence south to the division line between the first and second districts of donation lands; thence west to the state line; thence north along said line to the place of beginning, shall be a separate election district; and the electors thereof shall hold their elections at the house now occupied by David Sample, in said district.

Place of  
elections in  
the Third  
District of

SECT. XVII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the electors of the Third Election District in the county of Philadelphia, shall hold



their elections at the house now occupied by John Sagars, junior, in Bustletown, any thing in any law heretofore passed to the contrary in any wise notwithstanding. 1799.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That, from and after the passing of this act, the electors of the Fourth Election District in the county of Huntingdon shall hold their elections at the house of Frederick Chrisman, in the town of Holidaysburgh.

Philadelphia county.

Place of elections in the Fourth District of Huntingdon county.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That all that part of Heidleburgh township, in the county of Dauphin, which lies north of a line drawn from the dwelling-house of Jacob Mease, including the house of the said Jacob Mease, on the Lebanon township line, to intersect the line of Berks county, at Zimmerman's mill, shall be, and the same is hereby erected into a separate election district, to be called the Ninth Election district; and the electors thereof shall hold their elections at the house now occupied by Godfrey Keiner, in Moyerston: And the electors of that part of said township, lying south of the above described line, shall hold their elections at Heidleburgh, as heretofore.

The Ninth Election District of Dauphin county erected.

SECT. XX. *And be it further enacted by the authority aforesaid,* That the townships of Greenwich and Albany, in the county of Berks, are hereby erected into a separate election district; and the citizens of said district shall hold their general elections at the house now occupied by Michael Croll, in the township of Greenwich aforesaid.

Greenwich and Albany, in Berks county, erected into an election district.

Passed 8th April, 1799.—Recorded in Law Book No. VI. page 424.


## CHAPTER MMLI.

*An ACT to authorize the laying out and opening a road, from the town of Newbury, in the county of Lycoming, to the one hundred and nine mile stone, on the line dividing this state from the state of New-York.*

WHEREAS many respectable inhabitants of the county of Lycoming, in this commonwealth, have presented their petitions to the Legislature, stating that the present road from the town of Newbury, near the mouth of Lycoming creek, to the Genesee country, is extremely bad, so as to be passable with great difficulty, and praying that a road might be opened by a new course; and it is reasonable that the prayer of their petitions should be granted, upon the terms herein after mentioned: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the Governor be, and he is hereby authorized to receive proposals for laying out and opening a road, not less than twenty feet wide, from the town of Newbury, in the county of Lycoming, to Morris's mills; from thence by the best and most direct route to the north-east corner of Strawbridge's marsh, or as near thereto as may be; and from thence by the nearest and best route to the one hun-

The Governor authorized to receive proposals for laying out a road from Newbury, in Lycoming county, to the one hundred and nine mile

1799.  dred and nine mile stone, on the line dividing this state from the state of New-York, or as near as may be, which road, when surveyed, laid out and opened, as aforesaid, is hereby declared to be a public highway.

stone on the New-York line.

The expense of the road to be defrayed by subscription,

SECT. II. *And be it further enacted by the authority aforesaid,* That the expense of laying out and surveying the said road, and all charges incident thereto, shall in the first instance be paid by such of the citizens of the county of Lycoming, or other persons as may think proper to subscribe, for the purpose of defraying the expense thereof.

The road to be surveyed, and when completed a grant of three thousand dollars shall be drawn for to reimburse the subscribers.

SECT. III. *And be it further enacted by the authority aforesaid,* That after the said road shall have been laid out and opened, as is herein before mentioned, the Governor shall appoint a suitable person to view the said road, and make report to him; and if it shall appear by said report that a road or cartway is actually laid out and opened, between the town of Newbury and the one hundred and nine mile stone in the state line, by the route herein before mentioned, then and in that case, the Governor is hereby authorized to draw his warrant on the State Treasurer for the sum of three thousand dollars, to reimburse the person or persons, who were the subscribers for opening and laying out said road.

Passed 8th April, 1799.—Recorded in Law Book No. VI. page 437.

## CHAPTER MMLII.

*An ACT to prevent the erection of fish-dams and baskets in the rivers Schuylkill, Susquehanna and Juniata, and the branches thereof. (m)*

WHEREAS the existing laws for preventing the erection of fish-dams and baskets have been found insufficient, whereby those nuisances have of late been increased, to the manifest injury of the navigation of the river Schuylkill, Susquehanna and Juniata, and the destruction of the fish in the said waters: For remedy whereof,

Penalty for erecting and maintaining fish-dams, baskets or pounds in Schuylkill, Susquehanna, Juniata, or their branches.

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That if any person or persons shall, from and after the passing of this act, erect, repair, maintain or set up, or shall be aiding or assisting in erecting, repairing, maintaining or setting up, any fish-dam, basket or pound, for taking fish, in the rivers Schuylkill, Susquehanna and Juniata, or their branches, which have been or hereafter may be declared public highways, every person or persons so offending, and being legally convicted thereof before any Justice of the Peace of the county where the offence was committed, or before the Justices of the Court of Quarter Sessions of the proper county, shall forfeit and pay the sum of thirty dollars, the one half to the use of the informer or prosecutor, the other half to be applied as herein after directed.

(m) For other acts relating to these rivers, see those several titles in the General Index.



SECT. II. *And be it further enacted by the authority aforesaid,* 1799.  
That if any fish-dam, basket or pound, for taking fish, shall, from and after the passing of this act, be erected, repaired or set up in any of the said rivers, or their branches, opposite to and adjoining land on which any person or persons are settled and reside, every such person or persons are hereby enjoined and required, within ten days after the same has been erected, repaired or set up, to give notice thereof to the Supervisor or Supervisors of the roads within their respective townships, or to the next Justice of the Peace in the county; and on neglect or refusal to give such information, he or they, so offending, shall forfeit and pay the sum of forty dollars, to be recovered in the manner aforesaid, one half to the use of the informer or prosecutor, and the other half to be applied for the purpose of improving the public roads and highways within the proper county.

Persons residing on lands adjoining to which such fish-dams, &c. are erected, shall give notice to the Supervisors of roads, or Justice, under a penalty of forty dollars.

SECT. III. *And be it further enacted by the authority aforesaid,*  
That the Supervisors of the roads in the respective township or townships, which shall be bounded by or adjoining to any part of either of the said rivers, or their branches, which have been, or hereafter may be, declared public highways, shall be, and are hereby, enjoined and required to view and inspect, once at least in fifteen days, from the first day of August to the first day of December, in every year, such parts of the said rivers as shall be adjoining his or their respective townships, or bounding on the same; and if on any such view he or they shall find any fish-dam, basket or pound, for taking fish, within the said rivers, he or they shall thereupon give notice to the next Justice of the Peace, which Justice is hereby authorized and empowered to issue a precept, directing the said Supervisor or Supervisors to throw down, remove and destroy all such dams or baskets; and the said Supervisors are hereby authorized and empowered to assess and collect from the inhabitants of the township or townships wherein any such dam, basket or pound shall have been, or hereafter may be, erected, such sums of money as shall be found necessary to remove all such nuisances, in the same manner, and under the same regulations and restrictions, as monies by law now are levied and collected for the improvement of roads within this commonwealth: *Provided*, That where any part of the said rivers, or the branches thereof, is a boundary between two counties, or between two townships in the same county, in both cases the townships on each side of the said rivers, or the branches thereof, where any fish-dam, basket or pound, for taking fish, shall be erected, maintained or set up, shall be equally charged with the expense of prostrating the same: And if any Supervisor or Supervisors shall neglect or refuse to perform the duties enjoined on him or them by this act, he or they, so offending, shall forfeit and pay the sum of forty dollars, to be recovered and applied in the manner prescribed by the first and second sections of this act: *Provided always*, That if any person or persons shall be convicted under this act before any Justice of the Peace, he or they shall have a right to appeal to the Court of Quarter Sessions, within ten days after such conviction, and be entitled to a trial by jury.

Duty of the Supervisors to view the rivers, and give notice of any fish-dams, &c. erected, to a Justice.

Proceedings to prostrate the same.

Appeal allowed on convictions under this act.

Passed 8th April, 1799.—Recorded in Law Book No. VI. page 429.

1799.

## CHAPTER MMLIII.

*An ACT for regulating the fees in the office of the Surveyor-General of this commonwealth.*

Fees receivable by the Surveyor-General.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the fees receivable by the Surveyor-General shall be as follow, viz. receiving, registering and filing every warrant for surveying of land, under the signature of the Governor, and the lesser seal of the commonwealth, and directing a copy thereof to the Deputy-Surveyor, one dollar and twenty-five cents; acceptance fees (to be paid by the Deputy-Surveyor) on every return, fifty-cents; for every certificate of a note by a Deputy-Surveyor, to operate as a caveat, twenty-five cents; issuing a ticket to the Secretary's office, certifying the quantity of land returned upon each warrant, application or improvement, forty cents; for each return of survey to file a patent in the Secretary's office, and recording the same, three dollars; copy of a draft without the seal of office, to accompany the patent, forty cents; copy of a single draft or warrant, without seal, except the draft to accompany patent, as above specified, fifty cents; copy of an old warrant or application, that has not been executed, directed to the Deputy-Surveyor, forty cents; copy of a warrant or single draft, under seal of office, fifty cents; copy of a general draft, for each tract of land above one in said draft, twenty cents; certifying and affixing the seal of office to said copy, twenty-five cents; connecting separate drafts into one general draft, for each separate draft therein, twenty-five cents; certifying and affixing the seal of office to the same, twenty-five cents; for every search, twenty-five cents; for every warrant issued by the Surveyor-General, under his signature, twenty-five cents; for affixing the seal of office to the same, twenty-five cents.

Repeal of the fees before established.

SECT. II. *And be it further enacted by the authority aforesaid, That* so much of the act, entitled "An Act establishing an explicit fee bill," passed the twentieth day of April, one thousand seven hundred and ninety-five, as respects the fees in the Surveyor-General's office, be, and the same is hereby repealed.

Passed 8th April, 1799.—Recorded in Law Book No. VI. page 428.

## CHAPTER MMLVIII.

*An ACT declaring Little Schuylkill a public highway.*

Little Schuylkill declared a public highway.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That,* from and after the passing of this act, the Little Schuylkill, from George Roush's saw-mill, up to Jacob Shelley's saw-mill, shall be, and the same hereby is, declared to be a public highway for the passage of boats and rafts, under the limitations and restrictions



herein after specified ; and it shall and may be lawful for the inhabitants, desirous of using the navigation of the said stream, to remove all natural and artificial obstructions, from the said George Roush's saw-mill up to Jacob Shelley's saw-mill aforesaid, and to erect such slopes and locks at the mill-dams now built, as may be necessary for the passage of boats and rafts ; provided such slopes and locks shall be so constructed, as not to injure the works of said dams.

1799.

Passed 10th April, 1799.—Recorded in Law Book No. VII. page 7.

## CHAPTER MMLX.

*An ACT vesting certain powers in the Judges of the Supreme Court.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That,* if the city of Philadelphia should, at any time hereafter, be afflicted by any infectious or contagious fever, the Judges of the Supreme Court, and the Judges of the Court of Common Pleas and the Court of General Quarter Sessions of the Peace for the county of Philadelphia, or any two of them, be, and they are hereby authorized to hold the terms or sessions, now directed by law to be holden in the city of Philadelphia, in any part of the county of Philadelphia.

Provision for removing the courts of justice, in case a contagious disease should afflict Philadelphia.

SECT. II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Judges of the Supreme Court, or any two of them, to direct and cause the Sheriff of the city and county of Philadelphia to remove from any pestilential danger the prisoners, who may be confined in the gaol of the said city and county, to such place of safety as they may think proper ; provided that nothing herein contained shall authorize a removal of any prisoners confined by virtue of criminal process, without an application for that purpose from a majority of the Inspectors of the gaol of the city and county of Philadelphia.

Provision for removing prisoners from any pestilential danger.

Criminal prisoners only to be removed on application of a majority of the Inspectors.

Passed 10th April, 1799.—Recorded in Law Book No. VII. page 10.

## CHAPTER MMLXII.

*An ACT to authorize the Governor to appoint and commission an Auctioneer, for the express and sole purpose of selling horses, cattle and carriages, within the city of Philadelphia.*

[Vol. 1, pa. 509, 510-11. Vol. 2, pa. 42-3, 87, 480-1, 519-20.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the Governor be, and he is hereby, authorized to appoint and commission an Auctioneer, who shall be expressly, solely and exclusively authorized to sell horses, cattle and carriages, at public auction, within the city of Philadelphia ; and the said Auctioneer shall

The Governor empowered to appoint an Auctioneer for selling horses, cattle and carriages.

**1799.** keep a book, and register in the same the names of the sellers and purchasers of all horses and cattle sold by him, together with the colours, ages and marks of such horses and cattle, and shall pay the same duties, give the same security, and be liable to the same penalties, as other Auctioneers are, under the existing laws of this commonwealth.

Duties of the Auctioneer.

Repeal of parts of former laws.

SECT. II. *And be it further enacted by the authority aforesaid,* That so much of any former act or acts, as is inconsistent with this act, be, and the same is hereby repealed.

Passed 10th April, 1799.

## CHAPTER MMLXIII.

*An ACT to provide for opening a road from near the Bald Eagle's Nest, in Mifflin county, to Le Bauf, in the county of Allegheny.*

SECT. 1. [THE Governor empowered to contract for opening and improving the road between the Bald Eagle's Nest and the Allegheny river, to Le Bauf. 2. Deviations authorized in the course of the road, as laid out. 3. Five thousand dollars appropriated for the purposes of this act.]

Passed 10th April, 1799.—Recorded in Law Book No. VI. page 443.

## CHAPTER MMLXIV.

*An ACT to erect certain election districts in the counties of Washington, Northampton and Luzerne.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the townships of Hamilton and Chesnut-Hill, in the county of Northampton, shall be a separate election district, to be called the Eighth Election District; and the electors thereof shall hold their elections at the house now occupied by Simon Heller, in Hamilton township aforesaid, any law to the contrary notwithstanding.

The Eighth Election District of Northampton erected.

SECT. II. *And be it further enacted by the authority aforesaid,* That all the territory in the county of Luzerne within the following boundaries, to wit, by a line due east and west drawn from one side line to the other of said county, intersecting the river Susquehanna at the mountain commonly called Breakneck, thence down said river to a creek called Rummerfield's creek, thence a line drawn as aforesaid east and west from one side line to the other of said county, shall be, and is hereby, erected into a separate election district; and the free electors thereof shall hold their annual elections at the house of William Meenes, in the township of Wyorocks, any law in any wise to the contrary notwithstanding.

Boundaries of a new election district in Luzerne county.

Boundaries of a new election dis-

SECT. III. *And be it further enacted by the authority aforesaid,* That so much of Washington county as lies within the following



bounds, viz. beginning on the Monongahela river, one mile above the mouth of Pidgeon creek, thence a direct line to Thomas Parkinson's old mill on said creek, thence up said creek to Bentley's mills, thence along the roads from said mills to the Quaker meeting-house, thence to Nathan Heald's saw-mill on Pike run, thence to the main road leading from Washington to Brownsville, thence along said road to the Monongahela river, and thence down said river to the place of beginning, shall be a separate election district; and the electors thereof shall hold their elections at the house now occupied by Edward West, in said district.

1799.  
district in  
Washington  
county.

Passed 10th April, 1799.—Recorded in Law Book No. VI. page 445.

## CHAPTER MMLXVII.

*An ACT for the benefit of Elizabeth Allen and Elizabeth Margaret Tilghman.*

Passed 11th April, 1799.—Private act—Recorded in Law Book No. VII. page 28. (n)

(n) (This act respects the sale of lots in Allen Town, and lands in Northampton, the estates of minors.)

## CHAPTER MMLXIX.

*An ACT to provide for selling the several reserved tracts of land adjoining the towns of Erie, Franklin, Warren and Waterford, and for other purposes therein mentioned.*

(Ante. pa.  
233, chap.  
1845.)

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the Governor is hereby empowered to direct the Surveyor-General to make, or cause to be made, actual surveys of the reserved tracts of land adjoining the towns of Erie, Franklin, Warren and Waterford, which have not been laid out in town or out-lots, or ceded to the United States, and to lay off the same into lots, not exceeding one hundred and fifty acres in each, and marking the lines thereof, and designating first, second or third quality in said drafts: Provided always, That in each of the said reserved tracts the quantity of five hundred acres be laid off, for the use of such schools or academies as may hereafter be established by law in the said several towns; which said several surveys shall be returned to the office of the Surveyor-General, and general drafts thereof to the office of the Secretary of the commonwealth.*

The Govern-  
or empow-  
ered to di-  
rect actual  
surveys of  
reserved  
tracts adjoining  
Erie,  
Franklin,  
Warren and  
Waterford,  
and to lay  
the same out  
into lots.

Reservation  
in each tract  
for the use of  
schools.

Surveys and  
general  
drafts there-  
of to be re-  
turned.

SECT. II. *And be it further enacted by the authority aforesaid, That the Governor, after the said actual surveys shall be made, and general drafts thereof lodged in the office of the said Secretary, be, and he is hereby authorized and required to transmit a copy of each draft to the commissioners to be appointed for the sale of the in and out-lots in and adjoining the towns of Erie, Franklin, Warren and*

Copies of  
the surveys  
to be sent to  
the commis-  
sioners for  
making sale  
of the lots in  
and adjoining  
the said  
towns.

1799. Waterford, as soon as conveniently may be ; and it shall then be the duty of the said commissioners to give notice by advertisements, at least six weeks, in three of the public newspapers in the city of Philadelphia, in at least one paper printed in Dauphin county, one in Pittsburgh, one in Lancaster, and one in Washington, of the time that the books will be open for the sale of all the reserved lands laid out by virtue of this act, adjoining the above towns, on the following terms, to wit ; one fifth part of the purchase money shall be paid at the time of sale to the commissioner attending ; one fifth part to the Receiver-General of the Land-Office, within twelve months from the day of sale ; one fifth part within two years from the said day ; and the remaining two fifth parts at or before the expiration of three years after such sale ; but that no contract shall be confirmed by said commissioner for fifteen days after the said books shall be opened, and the highest price offered within that time shall be accepted.

Proceedings of the commissioners to make sales thereof, and terms of sale.

Entries to be made of purchases, certificates to be issued to purchasers, and copies thereof sent to the Secretary's office.

Limitation of prices.

Condition of actual settlement.

SECT. III. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioner to enter the purchaser's name in his book, the number, quality and quantity of acres, date of entry, and amount of sale, a certified copy of which he is to give to the purchaser, which certificate shall be forwarded to the Secretary's office within six months after the date thereof ; but no sales shall take place at less than four dollars per acre for land of the first quality, three dollars per acre for land of the second quality, and two dollars per acre for land of the third quality : *Provided always,* That nothing herein contained shall be taken or construed to vest any right or title, in law or equity, in any person or persons purchasing as aforesaid, unless he, she or they shall, within three years after the date of their respective purchases, make an actual settlement thereon, by clearing, fencing and cultivating at least two acres for every fifty acres contained in one survey, and erect on each lot or tract a messuage for the habitation of man, and reside thereon for the space of five years following their first settlement of the same ; and in default of such actual settlement, residence and improvement, the purchaser or purchasers shall forfeit all payments made to the commonwealth, and the Governor is hereby authorized to direct that such forfeited lot or tract be sold at public sale, in the town near where such forfeited lot or tract may lay ; and no patents shall issue for any lot or tract sold by virtue of this act, until satisfactory proof be made to the Governor of this commonwealth of such actual settlement, residence and improvement having been made as aforesaid.

Commissioners to be appointed for appraising all the in and out-lots of the said town ;

and proceedings to make sale thereof.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the Governor be, and he is hereby authorized to appoint four commissioners, one of which shall reside in each town, whose duty it shall be, with the assistance of two reputable citizens, appointed by the Judges of the Court of Common Pleas of the county of Allegheny, for each commissioner to appraise all the in and out-lots in the towns of Franklin, Warren and Waterford, and the first section of Erie, and the out-lots thereto adjoining, which appraisement shall be regularly entered in a book for that purpose. It shall then be the duty of the commissioners aforesaid to advertise the town and out-lots for sale, on the following terms, to wit ; the one



third part of the purchase money shall be paid at the time of sale to the commissioner attending, when the entry of sale is made, whose duty it shall be to certify the same; one third part to the Receiver-General of the Land-Office, within twelve months from the day of sale; and the remaining one third part within eighteen months from the day of sale; for the performance of which the purchasers, respectively, shall, at the time of sale, give bond for the payments of the said instalments to the said commissioners; and at the expiration of eighteen months aforesaid, the Governor is hereby authorized to grant patents to the purchasers, provided the purchase money is paid according to the sales. 1799.

SECT. V. *And be it further enacted by the authority aforesaid,* That those persons who have purchased any lot or lots in the second and third divisions of the town of Erie, may take lot or lots in the first division of said town, at the same price they purchased them at the former sales, and that all those who have paid for or improved any forfeited lot or lots shall have a pre-emption to said lot or lots, at the prices they sold for at former sales; provided he, she or they apply within three months after the passing of this act, and pay for the same.

How purchasers in the second and third divisions of Erie may change for lots in the first division.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the commissioner at the town of Erie shall offer at public sale the lot of ground reserved in said town, at the mouth of Cascade creek, including the same, after giving three months notice in three of the public newspapers of this state, of the time and place of such sale, on the same conditions specified in the third section of this act; provided the same amounts to fifty dollars per acre.

The reserved lot at the mouth of Cascade to be sold.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the said commissioners, before they enter on the duties required by this act, shall give bond, with two good sureties, in a sum not less than five thousand dollars, to the Governor, each, conditioned for the true and faithful performance of their respective trusts, and shall receive three cents on every dollar received and contracted for, which shall be in full for all their services, and the persons appointed by the court to assist each commissioner to appraise the town and out-lots shall receive two dollars each per day, which shall be in full for all their services.

Official bonds, and compensation of the commissioners.

Passed 11th April, 1799.—Recorded in Law Book No. VII. page 24.

## CHAPTER MMLXX.

*An ACT to extend the period heretofore allowed for applying for donation lands, and to regulate the mode for authenticating claims thereto.*

[See vol. 2, p. 290, (chap. 1128,) and the notes thereto.]

SECT. 1. [EXTENSION of the time for applying for donation lands. 2. Proceedings to render and allow claims. 3. Land officers to advertise and draw lots for claimants. Obsolete.]

SECT. IV. *And be it further enacted by the authority aforesaid,* That on the first day of May, in the year one thousand eight hundred, the powers herein given shall cease, no lots for donation lands

Limitation of the powers given by this act.

1799. shall afterwards be drawn, and the residue of the land heretofore by law appropriated for satisfying claims to donation lands shall revert to the commonwealth, and be disposed of in such manner as shall be directed by law in relation to other lands, the property of the state.

Passed 11th April, 1799.—Recorded in Law Book No. VII. page 3.

## CHAPTER MMLXXI.

*An ACT to declare Fishing creek, and one of its branches, in the county of Northumberland, public highways.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Fishing creek, in the county of Northumberland, from the mouth up to the main fork thereof, and that branch commonly called Little Fishing creek, from the mouth to John Eves's mill, shall be, and the same are hereby declared to be public highways, for the passage of boats and rafts, under the limitations and restrictions herein specified; and it shall and may be lawful for the inhabitants, desirous of using the navigation of said creek, to remove all natural and artificial obstructions, from the mouth thereof up the main fork, and that branch called Little Fishing creek up to John Eves's mill aforesaid, and to erect such slopes or locks at the mill-dams now built, as may be necessary for the passage of boats, rafts and fish; provided such slopes or locks shall be so constructed, as not to injure the works of said dams.*

SECT. II. *And be it further enacted by the authority aforesaid, That nothing in this act contained shall be deemed, taken or understood to prevent any person or persons, possessing lands on the said creeks, or either of them, who, before the passing of this act, had authority under the laws of this commonwealth to erect a dam or dams, from erecting such dam or dams: Provided always, That such dam or dams be so constructed, and kept in repair by the owners thereof, with complete slopes and locks on convenient parts of such dams, as that the navigation for boats and rafts, and the passage of fish, will not be injured thereby.*

Passed 11th April, 1799 —Recorded in Law Book No. VII. page 2.

## CHAPTER MMLXXII.

*An ACT empowering certain trustees therein named, to sell and dispose of a certain tract of land, situate partly in Upper and partly in Lower Mount-Bethel townships, in the county of Northampton, and to appropriate the monies arising from the sale thereof for the purposes therein mentioned.*

SECT. 1. [THE premises occupied as a parsonage, &c. by the Presbyterian congregation of Lower Mount Bethel, in Northamp-

Fishing creek and Little Fishing creek declared highways;

and provision made for removing obstructions.

The rights of owners of lands to erect dams preserved.



on county, to be sold, and a more convenient lot purchased for the same use, &c.] 1799.

Passed 11th April, 1799.—Private Act.—Recorded in Law Book No. VII. page 31.

## CHAPTER MMLXXIII.

*A SUPPLEMENT to the act, entitled “An Act for opening and establishing a road between the navigable waters of the Frankstown branch of the river Juniata and the river Conemaugh.”* [Original act, vol. 2, pa. 411.]

WHEREAS, from the unexplored situation of the country between Frankstown and Ligonier Valley, at the time the commissioners acted under the act to which this is a supplement, they were unable to lay out the road on the nearest course and best ground that the country afforded, and from the want of inhabitants for a considerable length of time after opening the said road, it is much out of repair: And whereas viewers have been appointed by the Courts of Quarter Sessions of the different counties, through which the said road passes, and have made such alterations therein as appeared to be necessary, and a number of the inhabitants of the counties of Huntingdon, Somerset and Westmoreland have, by their petitions to the Legislature, prayed that the said road be so altered, and a sum of money appropriated, in aid of private subscriptions, for the purpose of repairing the said road, and making the afore-said alterations: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the road between the waters of the Frankstown branch of the river Juniata and the river Conemaugh be, and is hereby, confirmed, as it has been altered by the Courts of Quarter Sessions of the different counties through which the said road passes, and that the sum of eight hundred dollars, of the monies which are and hereafter shall become due from the county of Huntingdon to this commonwealth, on account of a loan made to the said county in the year one thousand seven hundred and ninety-four, be appropriated, in aid of private subscriptions, for the purpose of altering and amending the same. [Confirmation of an alteration made in the course of the road between the waters of Frankstown branch of Juniata and the Conemaugh; and an appropriation for effecting the same.]

SECT. 2. [Provision for forming a contract to amend the said road. 3. Further grant for the said road, of eight hundred dollars.]

Passed 11th April, 1799.—Recorded in Law Book No. VII. page 22.

## CHAPTER MMLXXIV.

*A SUPPLEMENT to the act, entitled “An Act for the regulation of apprentices.”* [Original act, vol. 1, pa. 309, chap. 616.]

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That*

1799. from and after the passing of this act, if any apprentice shall absent himself or herself from the service of his or her master or mistress, before the time of his or her apprenticeship shall be expired, without leave first obtained, every such apprentice, at any time after he or she arrives to the age of twenty-one years, shall be liable to, and the master or mistress, their heirs, executors or administrators, are hereby enabled to sustain all such actions and other remedies against him or her, as if the said apprentice had been of full age at the time of executing his or her indenture of apprenticeship.

Apprentices who abscond, liable to actions for damages after they become of age.

When and how indentures may be assigned, on the death of the master or mistress of an apprentice; or by him or her in his or her life-time.

SECT. II. *And be it further enacted by the authority aforesaid,* That when any master or mistress shall die, before the term of apprenticeship shall be expired, the executors or administrators of such master or mistress, provided the term of the indenture extended to executors and administrators, shall and may have a right to assign over the remainder of the term of such apprenticeship to such suitable person, of the same trade or calling mentioned in the indenture, as shall be approved of by the Court of Quarter Sessions of the county where the master or mistress lived, and the assignee to have the same right to the service of such apprentice, as the master or mistress had at the time of his or her death; and, also, when any master or mistress shall assign over his or her apprentice to any person, of the same trade or calling mentioned in the indenture, the said assignment shall be legal, provided the terms of the indenture extended to assigns, and provided the apprentice, or his or her parent or parents, or guardian or guardians, shall give his, her or their consent to such assignment, before some Justice of the Peace of the county where the master or mistress shall live.

Passed 11th April, 1799.—Recorded in Law Book No. VII. page 1.

## CHAPTER MMLXXIX.

### *An ACT concerning writs of partition.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the Supreme Court shall have original jurisdiction over the whole commonwealth, as to the granting and proceeding upon writs of partition, at the suit of any tenant in common, joint tenant or co-partner, and that such writs may be directed to and executed by the Sheriff of any one county, wherein any part of the lands and tenements intended to be divided are situate, who shall have power, in cases where lands lie in different adjacent counties, or where the lands lie partly in one county and partly in another, to summon a proportionable number of jurymen of the freeholders of each of the said counties, to form an inquest for making a just and equal partition between the parties; and that such Sheriff shall hold the inquisition either in his own county or any such adjacent county, and make return thereof to the Court as in ordinary cases; and that such proceedings shall be as good and available in law, as if the partition had been made by the Sheriff and inquest of each respective county.

The original jurisdiction of the Supreme Court on writs of partition extended throughout the state.

Power of the Sheriff to whom the writ is directed, when lands lie in different counties.



SECT. II. *And be it further enacted by the authority aforesaid,* 1799.  
 'That where any writs of partition shall issue from the Supreme Court, or from any Court of Common Pleas in this state, having jurisdiction and power to issue such writs, if the inquest who are directed to make such partition shall be of opinion that the lands or tenements cannot be divided, according to the command of the writ, without prejudice to or spoiling the whole, the said inquest shall then make and return to the Court a just valuation and appraisement of such lands and tenements; whereupon, if the said Court shall approve of the said return, and if any one or more of the parties shall elect to take the said lands and tenements, at the appraised value, the same shall be adjudged to him or them, he or they paying or securing to be paid, to the other parties, their proportions of the appraised value, according to their respective rights; but in case each of the persons interested, or more than one of them, shall be willing to take the lands and tenements at the appraised value, then, in that case, the Court shall determine to whom the lands and tenements shall be conveyed; and the Sheriff, and his successor in office, shall, according to the said order of Court, make and execute conveyances to the party or parties electing to take the same, subject, nevertheless, to a lien thereon, in favour of the others of the said parties, until payment be made to them of their respective shares of the money as aforesaid; and in case none of the said parties shall agree to take the said lands and tenements on the terms aforesaid, then the said Court shall and may, at the instance of the demandant in the said partition, make an order for the sale of the said lands and tenements at public auction, by the Sheriff who shall have holden the said inquisition, or his successor in office, after due and fair notice of the time and place of such sale, by advertisements published and set up in the several counties where the lands lie, and also in such public newspapers as shall be most likely to give fair and full notice of such sale to all the parties, concerned and others, which public notice shall be given at least twenty days before the time of sale, in cases where the lands all lie in the same county, and at least sixty days, where the lands lie in different counties; and the said Sheriff is hereby empowered and ordered to execute deeds to the purchasers for the lands and tenements so as aforesaid sold, on receiving payment of the consideration money, or taking sufficient security therefor, to the satisfaction of all the parties concerned, which money or securities shall be brought into Court, before or at the time of the said Sheriff's acknowledging the deed in open Court, to be distributed and paid, by order of the said Court, to and amongst the several parties entitled to receive the same, in lieu of their respective parts and purparts of the said lands and tenements, according to their just rights and proportions.

[SECT. III. And whereas divers persons, having an interest in large tracts of unimproved lands in this commonwealth, jointly, or in common with others, may be desirous of obtaining a partition of such lands, but, from the unavoidable expense attending the execution of writs of partition in the ordinary way, as well as by the absence or minority of some of the owners thereof, are prevented from obtaining such partition, to the great injury of such persons,

If an estate cannot be divided, without prejudice to or spoiling the whole, the inquest shall make return of the value thereof.

If the court approve the return, they may adjudge the whole to one of the parties, on securing to the rest their respective shares.

The premises thereupon to be conveyed to such party, subject to a lien in favour of the rest.

If none of the parties will take the land at the valuation, the Court may order sale thereof; proceedings thereupon.

1799.

Provision for making sale and partition of unseated or unimproved lands.

[Repealed.]

All deeds under this act to be acknowledged in open Court, and recorded in six months.

and to the manifest discouragement of persons wishing to improve the land: *Be it further enacted by the authority aforesaid,* That in all cases where the lands are not seated or improved, but remain in their natural state, any person or persons, holding at least one fourth part of such lands, jointly, or in common with others, may exhibit his, her or their petition to the Supreme Court, or to the Court of Common Pleas, of the county where the lands lie, praying for a valuation and sale thereof, and it shall be lawful for the Justices of either of the said Courts to order a writ, directed to the Sheriff of the county where the lands lie, commanding him to summon an inquest for that purpose, who shall make and return a just valuation and appraisement of the land, due notice first being given to the several parties concerned or interested in the said lands, or to the guardians of such of them as are minors, to appear, if they think proper, at the time and place of holding the said inquisition; and on the return of the said inquisition, if the several persons concerned in interest, and the guardians of such of them who are under age, shall refuse to take and pay for the lands at such valuation, it shall be in the power of the Court, in case they approve of the said return of the appraisers, to order that sale be made of such lands, in manner aforesaid, and to make distribution of the produce of such sale to and amongst the several persons interested in the said lands, according to their several rights: *Provided always,* That every deed or conveyance made by any Sheriff or Sheriffs, by virtue of this act, shall be acknowledged in open Court, and entered on the records thereof, and shall also be recorded, within six calendar months next after the execution thereof, in the county or counties where the said lands and tenements shall lie.] (o)

Passed 11th April, 1799.—Recorded in Law Book No. VII. page 11.

(o) By an act passed 28th March, 1806, (ch. 2688.) The respective County Courts of Common Pleas, shall have and exercise all the powers which the Supreme Court had and possessed by the act in the text, as to the granting and proceeding upon writs of partition, at the suit of any tenant in common, joint-tenant, or co-partner; but in every case the writ of partition shall be directed to the Sheriff of that county in which issues.

§ 2. An exemplification of the proceedings which may at any time hereafter be had by virtue of this act, together with the deed or conveyance made by the Sheriff, shall within six months after the execution thereof, be delivered to the recorder of deeds, in such adjoining county or counties, in which the application shall not have been made, and in which any part or parts of the said lands are or may be situated; which Recorder shall enter the same on record of his proper county, at the joint expense of all parties concerned therein.

§ 3. All lands not seated or improv-

ed, but remaining in their natural state, shall be divided and valued according to the second section of the act in the text, and the third section of the same act is hereby repealed.

(Note. The original jurisdiction of the Supreme Court was taken away in civil cases, by the 19th section of the act of 24th February, 1806, (chap. 2624.) But it was afterwards restored in the city and county of Philadelphia.)

By a supplementary act, passed 7th April, 1807, (chap. 2813.) The Courts of Common Pleas of the different counties are authorized to issue writs of partition in all cases in which partition is demanded, of lands, tenements or hereditaments in this commonwealth, owned and held in joint-tenancy, coparcenary or in common, and whether the demandant or defendants be minors or of full age; and where a minor or minors is or are the defendant or defendants in any action of partition, the writ shall be served upon his, her or their guardian or guardians, or, if he or she have no guardian, then upon a guardian to be appointed for this pur-



pose by the Court, or notice thereof given in the manner herein after directed, and upon appearance of the parties, or on default being made, the Court shall proceed to examine the plaintiff's title, and quantity of his part or purpart, and accordingly as they shall find his right or purpart to be, they shall give judgment, and award a writ to make partition, whereby such proportion or purpart shall be set out in severalty, which writ being executed after ten days public notice, and the inquest of partition being returned, and final judgment thereupon entered, the same shall be good, and shall conclude all persons whomsoever, in the same manner as though the parties were under no disability of age, and notwithstanding all persons concerned are not named in the proceedings, nor the title of the defendants truly set forth.

§ 2. If any defendant, or other person against whom, or against whose right or title judgment by default be given, shall within the space of one year after the final judgment entered, apply to the Court by motion where such judgment is entered, and shew a good and probable matter in bar of such partition, or that the plaintiff hath not title to so much as he hath recovered, then in such case the Court may suspend or set aside such judgment and admit the party to appear and plead, and the cause shall proceed according to the due course of law; and if the Court upon hearing thereof, shall adjudge for the plaintiff, then the said first judgment shall stand confirmed, or in case such defendant or other person shall within the time aforesaid appear and admit the plaintiff's title, part or purpart, and shew to the Court any inequality in the partition, the Court may award a new partition to be made in presence of all parties concerned, if they will appear notwithstanding the return and filing upon record of the former, which said second partition returned and filed, shall be good and firm against all persons whomsoever.

§ 3. Where any of the defendants in any action of partition reside in the county where the lands lie, service of the said writ shall be made upon them by the Sheriff of the county or his deputy, by leaving a copy of the writ at his, her or their usual place of abode, at least fifteen days before the return day thereof; and when any of the said defendants reside out of the county where the lands lie, but within this commonwealth, service of the said writ shall be made upon them in like manner, by the Sheriff of the county where the lands lie, or his deputy; and where any of

the said defendants reside out of this commonwealth, or beyond sea, [a copy of the said writ] shall be published in one public newspaper printed within, or nearest to the said county, and in one daily newspaper of the city of Philadelphia, for the space of [two months] prior to the said return day, which said publication shall be deemed and taken by the Court, and it is hereby declared to be, a good and effectual service of the said writ upon the defendant, or defendants so residing out of this commonwealth; *provided*, that where the lands lie in more than one county, the service aforesaid shall be made by the Sheriff of the county where the action is brought.

§ 4. No plea in abatement shall be admitted or received in any suit for partition, nor shall the same be abated by reason of the death of any defendant.

§ 5. Where equal partition in value cannot be made of any share or purpart, the Sheriff and inquest shall have power to equalize such partitions or purparts, by valuing the purparts respectively, and to award that any one or more shares or purparts shall be subject to the payment of such sum of money as shall be equal to the difference in value of any other share or shares, purpart or purparts, and shall return the same with their inquest, which sum or sums of money, when final judgment shall be rendered on such writ of partition, shall be a lien on the lands or tenements which the inquest aforesaid shall have determined to be liable to pay the same.

By act of 26th March, 1808, (chap. 2965,) instead of the provision in the third section of the act of 7th April, 1807, (*supra*) it shall be sufficient to make publication of the *nature and substance* of any such writ of partition, and if such publication be made in such daily newspaper, one day in each week for six weeks successively, prior to the return day of the writ, and in the same manner in one newspaper printed within, or nearest to the county where such writ is to be executed, it shall be deemed an effectual service in the cases by the said section intended to be provided for.

See notes to intestate act, ante, pa. 143.

Recovery in partition is no bar to an action of dower, in that part of the premises which is assigned to the tenant, though the partition had been brought by the demandant for the other part of the premises, which had been devised to her, 1 Dallas, 418.

Previous to the act of 7th April, 1807, the death of a tenant abated the writ

1799.

of partition. The statute 8 and 9th William 3 c. 31, does not extend here.

Partition can only be made between tenants of the freehold. *M'Kee v. Straube*, 2 Binney, 3-4.

A parol partition between tenants in common, made by marking a line of di-

vision on the ground, and followed by a corresponding separate possession, is good, notwithstanding the act for the prevention of frauds and perjuries. *Ebert v. Wood*, 1 Binney, 216. See vol. 1, pa. 395.

## CHAPTER MMLXXX.

(Vol. 2, pa.  
452, post.  
chap. 2205.)

*An ACT to supply certain defects in the acts incorporating the city of Philadelphia, and sundry towns and boroughs within this commonwealth, and to explain and amend an act, entitled "An act to alter and amend the several acts of the General Assembly of this commonwealth, incorporating the city of Philadelphia, and for other purposes."*

WHEREAS the ordinances and by-laws of the city of Philadelphia, and of sundry other incorporated towns and boroughs within this commonwealth, impose, in certain cases, fines, penalties and forfeitures, which inure to the benefit of the said Corporations, respectively, by reason whereof it has been held that none of the freemen of the said Corporations are competent to prove the breach of the said ordinances and by-laws, and the accruing of such fines forfeitures and penalties, or to hear, judge and determine respecting the same, inasmuch as the same would operate a diminution of their share of contribution for supporting such Corporation: And whereas it would be in all cases difficult, and in many instances impracticable, to prove such breaches by any other testimony, or to hear, judge and determine respecting the same, before any other than Judges or Jurors liable to such exception, and the interest of each individual in the application of such fines, forfeitures and penalties, is too remote and inconsiderable to give an improper bias to his testimony, judgment or verdict, respecting the same: Therefore for furtherance of justice, and the due enforcement of wholesome regulations,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, no freeman of the city of Philadelphia, or of any other incorporated town or borough within this commonwealth, nor any other person, otherwise competent to give testimony respecting the breach of any ordinances, by-laws or regulations of the said city of Philadelphia, or any such other incorporated town or borough, shall be excluded from giving testimony respecting the same, by reason that the fine, forfeiture or penalty, imposed for such breach, is or may be appropriated in aid of the funds of such Corporation, but every such person, otherwise competent, shall be admitted to give testimony, as fully as though he or she were not resident within the bounds, or a partaker in the interests of such city, town or borough: Provided, That nothing herein contained shall authorize any person or persons, who receive*

No freeman of the city or any corporate town shall be disqualified as a witness to prove a breach of the ordinances or by-laws, by reason that the penalty or forfeiture is appropriated to the use of the Corporation; except as to paupers.



alms, or any pension or gift, out of the funds, in aid of which any of the said fines, forfeitures or penalties are appropriated, to give testimony touching the breach of such ordinances or by-laws, and the accruing of such fines, forfeitures and penalties. 1799.

SECT. II. *And be it further enacted by the authority aforesaid,* That no Court, Aldermen or Burgesses, otherwise by the laws of this commonwealth qualified and authorized to hear, judge and determine, respecting the breach of any such ordinances or by-laws, and the accruing of such fines, forfeitures and penalties, shall be disqualified to hear, judge and determine the same, by reason of the interest they, as members of such borough or Corporation, may have in the said fines, forfeitures and penalties, but shall have as full, perfect and complete jurisdiction, respecting the same, as if no such fine, forfeiture or penalty were to be incurred, or they had no such interest in the same.

No Court, Aldermen or Burgesses shall be disqualified to hear and decide respecting breaches of the ordinances and by-laws, by reason of their interest as members of the corporation.

SECT. III. And whereas the freemen and citizens of the city of Philadelphia only are competent and compellable to serve in the Courts of the said city, held by the Mayor, Recorder and Aldermen, as Justices of the Peace, and Justices of Oyer and Terminer and Gaol Delivery: Therefore, *Be it further enacted by the authority aforesaid,* That in all prosecutions and proceedings before the said Mayor, Recorder and Aldermen of the said city, for or respecting the breach of any ordinances, by-laws or regulations of the said city, the said freemen and citizens of the said city shall be competent to be jurymen on such prosecutions and proceedings, and the trials thereof; and no exception shall be allowed against the said freemen or citizens, either to the array or the polls, for or by reason that the same fine, forfeiture or penalty, imposed for such breach, is expressly or by implication forfeited to the said corporation, or is or may be appropriated in aid of the funds of the said city, or for the use thereof, in the same manner, and under like rules and regulations, as if the said fines, penalties and forfeitures had not been appropriated, and were not to accrue to the use of the Corporation of the said city.

The freemen of the city shall be competent as jurymen, notwithstanding their interest as members of the Corporation.

SECT. IV. And whereas doubts have arisen upon the construction of the act, entitled "An act to alter and amend the several acts of the General Assembly of this commonwealth, incorporating the city of Philadelphia," and it is necessary that the same be explained and amended: *Be it further enacted by the authority aforesaid,* That the Mayor of the city of Philadelphia shall appoint all and every the officer and officers of the Corporation, whose authorities and powers shall have been, or hereafter shall be given or established by any resolution or ordinance by the Select and Common Councils of the said city of Philadelphia, excepting only the 'Treasurer\* of the Corporation, and the clerks, messengers and door-keepers of the said Councils, who shall be appointed as heretofore.

Officers of the Corporation of the city, by whom to be appointed.

(\*See post, chap. 2205.)

SECT. V. *And be it further enacted by the authority aforesaid,* That the Select and Common Councils shall have all and singular the powers and authorities, rights and privileges, incident to the Corporation, and to the well governing thereof, which were formerly vested in the Mayor, Aldermen and Common Council, by an act, entitled "An act to incorporate the city of Philadelphia," pass-

Powers of the Select and Common Councils.

1799. ed the eleventh day of March, one thousand seven hundred and eighty-nine, which are not otherwise by law directed and provided for.

Provision for supplying a vacancy in the office of Mayor or member of the Select Council, by death, resignation, or otherwise.

SECT. VI. *And be it further enacted by the authority aforesaid,* That whenever the office of Mayor shall become vacant, by death, resignation, or otherwise, it shall be lawful for the Select and Common Councils of the city of Philadelphia, as soon as conveniently may be after such vacancy shall so happen, to assemble together, and elect a Mayor, in the manner directed by law in ordinary cases, and the Mayor so chosen shall continue in office until the third Tuesday in October next succeeding such election, and no longer; and that in case of any vacancy happening by the death, resignation, or otherwise, of any member of the Select Council, such vacancy shall be supplied at the next general election, and the person chosen shall serve the residue period of time, and in the class of such person whose vacancy he may be chosen to fill.

The present corporate officers to continue till the first of January next.

SECT. VII. *And be it further enacted by the authority aforesaid,* That all the officers of the Corporation, already appointed by the Select and Common Councils, now in office, shall continue to exercise the powers and duties of their several offices, respectively, until the first day of January next, any irregularity in the appointment of such officers to the contrary in any wise notwithstanding.

The Mayor and Recorder empowered to take acknowledgments of deeds for real estate in any part of the commonwealth.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That, from and after the passing of this act, the Mayor and Recorder of the city of Philadelphia, respectively, shall be, and they are severally hereby, empowered and authorized to take acknowledgments of deeds for lands or other real estate in any part of this commonwealth; and for taking every such acknowledgment, either of the said officers so taking the same shall be entitled to receive thirty-seven cents and an half, and no more.

Passed 11th April, 1799.—Recorded in Law Book No. VII. page 15.

## CHAPTER MMLXXXI.

(Chap. 1997, ante, pa. 329.)

*An ACT to extend for a limited time, an act, entitled "A further Supplement to the act, entitled "An act for making an artificial road from the city of Philadelphia to the borough of Lancaster, and for other purposes."*

SECT. 1. [THE limitation of the former act extended. (Now made perpetual.) 2. The tolls of the turnpike may be leased for any term not exceeding seven years, &c.]

Passed 11th April, 1799.—Recorded in Law Book No. VII. page 14.

## CHAPTER MMLXXXIV.

*An ACT to raise and collect county rates and levies.*

WHEREAS the several laws of this commonwealth, now in force, for raising county rates and levies, from frequent supple-



ments and references, have become intricate : And whereas it will render the system more intelligible, and its operation more equal, to reduce the whole into one act, with such other provisions as may be necessary : Therefore, 1799.

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the county commissioners and treasurers, and township, ward and district assessors, assistant assessors and collectors, heretofore elected and appointed within this commonwealth, and now holding and exercising their said offices, shall be continued therein, during the time for which they have been elected or appointed respectively.

The county officers, heretofore elected, shall continue till the expiration of the time for which they were respectively elected.

SECT. II. *And be it further enacted by the authority aforesaid,* That the electors qualified to vote for members of the state Legislature shall, at their respective general elections, within the city of Philadelphia, and the several counties of this state, annually elect one respectable citizen to be a commissioner of the proper county, to serve for three years next ensuing such election ; and when any new county shall be erected, the electors thereof shall elect, at their first general election, three citizens to serve as commissioners, of whom the highest in votes shall serve three years, the next highest two years, and the lowest one year, and their places respectively be supplied by the annual election of another citizen, to serve for three years ; and if any commissioner shall die, remove from the county, or decline to serve in said office, the remaining commissioner or commissioners and the Court of Common Pleas for such county shall appoint a suitable citizen or citizens, to fill the said office until the next general election.

Of the annual election of county commissioners, and their rotation in office.

SECT. III. *And be it further enacted by the authority aforesaid,* That every commissioner, elected or appointed as aforesaid, shall, before he enters on the duties of his office, take and subscribe an oath or affirmation before some Judge of the Court of Common Pleas, Justice of the Peace, or Alderman of the city or county, respectively, for which such commissioner is elected, diligently, faithfully and impartially to perform the several duties enjoined on him by this act, to the best of his ability and judgment, without favour or affection, hatred, malice or ill-will ; which oath or affirmation the officer before whom the same is taken and subscribed shall certify, under his hand and seal, and deliver the same to the Prothonotary of the proper county, to be filed in his office.

Vacancies in the office of commissioner, how to be supplied pro tempore.

Qualification to be taken by the county commissioners, and certificate thereof filed in the Prothonotary's office.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the citizens of every ward, township and district, within the city of Philadelphia, and the several counties of this state, shall, on the same day, and at the same time and place, and under the same regulations as Inspectors for the general elections are directed to be chosen, annually elect one citizen, residing within such ward, township or district, to be an assessor for the term of one year ; and in the year one thousand eight hundred and one, and every third year following, two other citizens to be assistant assessors for the term of one year, to do and perform the several duties enjoined and required of them by this act ; and the constables holding such elections shall make a return thereof, signed by the judges, within

Of the election of assessors, and assistants ;

how the return thereof shall be

1799.

made and  
fined.

Penalty, if  
assessors or  
their assist-  
ants refuse  
or neglect  
the duties of  
their offices;  
but they can-  
not be oblig-  
ed to serve  
more than  
once in ten  
years.

How vacan-  
cies shall be  
supplied.

Qualifica-  
tions to be  
taken by as-  
sessors and  
their assist-  
ants and cer-  
tified and  
filed.

[See note.]

Annual  
meeting of  
the commis-  
sioners; pro-  
ceedings  
thereat to  
estimate  
county ex-  
penses; to  
direct a re-  
turn of taxa-  
ble inhabi-  
tants and  
property; to  
quota the  
townships;  
to transmit  
transcripts  
of the assess-  
ments to the  
assessors or  
collectors,  
and direct  
proceedings  
thereon, as  
to notices  
and appeals.

ten days, to the commissioners of their proper county, or either of them, who shall file the same in their office; and if any constable shall neglect to make such return, he shall forfeit and pay the sum of five dollars for every such neglect.

SECT. V. *And be it further enacted by the authority aforesaid,* That if any person, elected or appointed as an assessor or assistant assessor, shall refuse or neglect to serve in such office for which he has been elected, every such assessor or assistant assessor shall pay a fine of twenty dollars: *Provided always,* That no person shall be obliged to serve as assessor or assistant assessor more than once in ten years. And if the citizens of any ward, township or district, neglect to elect an assessor or assistant assessor, or any citizen, so elected, refuse or neglect to serve, or if vacancies happen by death or otherwise, a board of commissioners shall supply the vacancies, by appointing citizens to fill said offices, who shall reside within said township, ward or district, and who shall in all cases have the same powers, be subject to the same penalties, and receive like compensations, as though they had been elected by the citizens within their respective townships, wards or districts.

SECT. VI. *And be it further enacted by the authority aforesaid,* That every assessor, and assistant assessor, before he enters on the duties of his office, shall take and subscribe, before some Judge of the Court of Common Pleas, Alderman of the city, or some Justice of the Peace of the proper county, the same oath or affirmation enjoined on the commissioners by the third section of this act, a certified copy of which oath or affirmation, signed by the officer before whom the same was taken, such assessor or assistant assessor shall produce to the commissioners, within twenty days after his election, who shall file the same in their office.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the commissioners shall annually, within thirty days after the general election, meet together, when each new commissioner shall produce a copy of the certificate, signed by the Prothonotary, proving his election and qualification, according to the provisions contained in this act; and the commissioners shall thereupon proceed to make an estimate of the probable expense of their counties, respectively, for the ensuing year; and in the year one thousand eight hundred and one, and every third year following, shall, within six weeks after the general election, issue their precepts to the respective township assessors, requiring them to make out a just and perfect return, in alphabetical order, or otherwise, as the commissioners may direct, of the names of all the taxable persons within their wards, townships or districts, respectively, and of all the property made taxable by the eighth section of this act, within thirty days after the date of such precept, together with a just valuation of the same, to be made in the manner herein after directed; and on receipt of such return, the said commissioners, or a majority of them, shall proceed to quota the townships, respectively, agreeably to the quantity and quality of land, and other taxable property, and when they have completed and ascertained the quotas of each township, they shall cause accurate transcripts of such assessments to be made out by their clerk, and transmit them to the ward or township as-



sessors or collectors, respectively, on or before the second Monday of April, in each year, with the average rate per cent. in each township, directing such assessor or collector to give notice to each taxable inhabitant, within his ward or township, of the amount of the sum he stands rated for, and the rate per cent. of such amount, and of the time when, and place where, an appeal will be held, which notice the said assessor or collector shall give in print or writing, at least five days before such day of appeal; at which appeal a board of commissioners shall attend, and hear all persons who may apply for redress, and grant such relief, as to them shall appear just and reasonable; provided that the said commissioners shall not make any allowance or abatement, on account of any real property, in any other year than when a triennial return and assessment is taken and made, agreeably to the directions of this act, excepting where accidents by fire, or otherwise, may destroy buildings or other improvements.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the assessors and assistant assessors of the city and county of Philadelphia, and the assessors of the other counties in this state, respectively, on receipt of precepts issued by the commissioners, agreeably to the seventh section of this act, shall proceed to take an account of all the names and surnames, in alphabetical order, or otherwise, as the commissioners may direct, of all taxable inhabitants within their townships, wards or districts, and of the following articles, hereby made taxable, viz. all lands held by patent, warrant, location or improvement; houses and lots of ground and grounds, all grist-mills, saw-mills, fulling-mills, slitting-mills, rolling-mills, hemp-mills, oil-mills, snuff-mills, paper-mills and powder-mills; all furnaces, forges, bloomerics, distilleries, sugar-houses, malt-houses, breweries, tan-yards and ferries; all negro and mulatto slaves; all horses, mares, geldings and cattle, above the age of four years; and all offices and posts of profit, trades and occupations (ministers of the gospel, of every denomination, and school-masters, only excepted,) and of all single freemen above the age of twenty-one years, who shall not follow any occupation or calling; and when the enumeration shall be made as aforesaid, the assessors shall respectively call together their assistants, who, together with the assessors, shall proceed to value the aforesaid property, to the best of their ability and judgment, for what they think it will *bona fide* sell for in ready money, and rate all offices, professions, occupations and callings of all freemen at their discretion, having due regard to the profits arising from such trades and occupations, as well as to the amount of taxes to be raised: *Provided*, That no tax in any county shall in one year exceed the rate of one cent in every dollar of the adjusted valuation of the property, and the rate for any trade or occupation, or on any single freeman who follows no occupation, shall at no time exceed ten dollars in one year, and shall be lowered in due proportion, as the tax on adjusted property may be lowered below one cent in the dollar.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the commissioners shall, on or before the first day of April, in each of the two succeeding years after the triennial return and as-

Duty of the assessors, on receiving the precept of the commissioners, in making return of taxable inhabitants and property.

What articles shall be returned as taxable property.

How property shall be valued, and occupations rated.

Limitation of the tax to be raised in one year.

When the commissioners shall transmit

1799.

from time to time transcripts of the triennial returns to the assessors with a precept to make a return of any changes; proceedings on such precepts.

assessment shall have been made, send a transcript of the last triennial assessment to the respective township, ward and district assessors, within their respective counties, together with their precept, requiring them to take an account of all freemen, and the personal property made taxable by this act, together with a just valuation of the same, and also a valuation of all trades or occupations made taxable by the eighth section of this act, enjoining such assessor to make a just return to them, within thirty days from the date of such precept, noting in such return all alterations in his township, ward or district, occasioned by transfer or division of real property, and also noting all persons who have removed since the last assessment, and all single freemen, who have arrived at the age of twenty-one years since the last triennial assessment, and all others who have since that time come to inhabit in such township, ward or district, together with the taxable property such person may possess, and the valuation thereof, agreeably to the provisions of this act; and the assessor or collector shall give like notice of the sum assessed on such person or persons, and of the day of appeal, which appeal the commissioners are hereby empowered to hold, in manner and form aforesaid.

Assessments to be regulated after the appeals.

Collectors how to be returned and appointed.

Penalty on their neglect or refusal to act, and how vacancies shall be supplied.

A clerk of the board of commissioners to be appointed; his duty and compensation.

The clerk of the board to keep books; form thereof.

SECT. X. *And be it further enacted by the authority aforesaid,* That the commissioners shall, immediately after the appeals are over, regulate the assessments according to the alterations made, and cause their clerks to make fair duplicates thereof, in alphabetical order, or otherwise, as the commissioners may direct; and it shall be the duty of each assessor, on or before the day of appeals in each year, to return two reputable citizens, who shall be freeholders of his ward or township, to the commissioners, whose duty it shall be to appoint one of them to be the collector; and if any person shall be appointed a collector as aforesaid, and refuse to serve, he shall forfeit and pay a fine of twenty dollars, and another person shall be appointed in his stead; but any person having served or paid his fine as a collector shall not be obliged to serve the said office again, within the term of ten years.

SECT. XI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners within each county, from and after the passing of this act, to employ a suitable person for clerk, who shall keep the books and accounts of the board, and record or file whatsoever proceedings they may direct, and attest all orders and warrants issued by them, and do and perform every other act and thing whatsoever, which may pertain to his office as clerk; and shall receive for his services such sum, as the commissioners shall at their first meeting in each year, agree upon.

SECT. XII. *And be it further enacted by the authority aforesaid,* That the clerks to the boards of commissioners, so as aforesaid appointed, shall keep fair books, wherein shall be entered the name of the collector of each ward, township or district, charging such collector with the amount of the duplicate delivered him to collect, and crediting him with allowances made after the appeal; for which purpose, they shall enter in said books the names of the persons abated or exonerated, together with the abatements or exonerations, and the date when made, and shall certify such allowance in the dupli-



cates of the collectors, to enable the treasurer to make settlements accordingly; and the said clerks shall, moreover, keep an account of all orders issued by the board for the payment of money, and enter the same in numerical order in their books, and shall send a statement of the names of the respective collectors, with the sums wherewith each stands charged, to the county treasurer, as soon as the duplicates are sent to the said collectors.

1799.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That the treasurers within the respective counties of this state shall hold their offices during the terms for which they have been already respectively appointed,\* and the commissioners of the respective counties, or any two of them, at the expiration thereof, and thenceforward annually, shall appoint a reputable citizen, for treasurer, who shall give bond, with sureties, to the satisfaction of the commissioners, conditioned for the faithful execution of the duties of his office, and to account for all monies which may come into his hand in pursuance thereof, and that he will deliver to his successor in office all books of entry, papers, documents and other things, which he may have or hold in right thereof, and pay him the balance of all monies due to the county; and in case of death, removal from the county, or misbehaviour in office of such treasurer, the said commissioners, or any two of them are hereby authorized and required to appoint another citizen to fill said office, whenever circumstances may require the same: *Provided,* That nothing in this act contained shall authorize any commissioners within this commonwealth to appoint any Judge of a court of justice, Clerk or Prothonotary of such courts, or any one of the said commissioners, to be a treasurer in their respective counties.

Of the appointment of county treasurers, and their bonds,

(\* No county treasurer shall serve in said office longer than three years, in any term of six years. ... Act of 28th March, 1803, chap. 2353.)

How vacancies may be supplied.

Who may not be appointed treasurer.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the treasurer to receive all monies due and accruing to the county, by or in consequence of this act or otherwise, and pay and disburse the same, for the discharge of the debts of the county, or warrants drawn by the board of commissioners; and the treasurer shall keep a just and true account of all monies received and disbursed, and hold and keep the same, at all times, ready for the inspection of the commissioners, and shall, once in three months, or oftener, if required, furnish the said commissioners with a statement thereof, balanced to the day specified by them, shewing all the monies, received and disbursed during the preceding term, and the balance remaining in his hands, together with the names of the collectors in whose hands any arrearages of taxes, and the amount thereof, may be out-standing; and shall, once in every year, settle his accounts, and produce his vouchers, which, being allowed by the commissioners, shall by them be laid before the auditors appointed under the act passed the thirtieth day of March, one thousand seven hundred and ninety-one, to settle the accounts of the commissioners and treasurers of the respective counties of this state, who shall proceed to the settlement thereof, as by said act is directed; and the commissioners shall allow the treasurer so much per cent. on all monies received and paid by him as they shall from time to time deem sufficient for his services, which, being approved of by the auditors aforesaid, shall be in full for his services as treasurer.

Duty of the treasurer in receiving and paying money;

keeping and exhibiting the accounts;

settling, and producing vouchers;

his compensation-

1799.

Quorum of the commissioners to form a board, and issue warrants to collect the money on duplicates. When collectors shall pay over monies to the treasurer.

Abatements and allowances how to be made. Collection of taxes how to be enforced.

SECT. XV. *And be it further enacted by the authority aforesaid,* That the commissioners, or any two of them, shall form a board in each county, and shall issue their warrants with the duplicates, to the respective collectors therein, authorizing and requiring them to demand and receive, of and from every person in such duplicate named, the sum wherewith such person stands charged; and within six weeks from the date of such warrant, the said collectors shall pay all such monies, as they may by that time have received, to the treasurer, at a certain time and place to be mentioned in such warrant, at which time and place the treasurer shall attend; and the board of commissioners shall, at the same time and place, make abatements or allowances for mistakes, or indigent persons, after which the collectors shall proceed to demand and receive the remainders of the tax; and if any person shall neglect or refuse to make payment, within thirty days from the time of such demand, it shall be the duty of the said collectors to levy the said tax, by distress and sale of the goods and chattels of said delinquent, giving ten days public notice of such sale, by written or printed advertisements; and in case goods and chattels cannot be found sufficient to satisfy the same, with costs of suit, the said collector shall be authorized to take the body of such delinquent, and convey him to the gaol of the proper county, there to remain, until the taxes, with cost, be paid, or secured to be paid, or he be otherwise discharged by due course of law.

When collectors shall pay the whole amount of their duplicates; proceedings, if it is not done.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That the collectors of the several wards, townships and districts, as aforesaid, shall within three months after having respectively received the corrected duplicates, subsequent to the appeals, pay into the hands of the respective treasurers, the whole amount of the taxes charged and assessed in such duplicate, without further delay, except such sums as the commissioners, may, in their discretion, exonerate them from, on pain of being answerable for and charged with the whole balance so remaining unpaid; and all the estate, real and personal, of such delinquent collectors shall be bound, as security for the payment of such balance, at and from the expiration of the said three months, a transcript of which balance shall be then entered by the trusurers with the Prothonotaries, whose duty it shall be to file the same, and which shall then operate to all intents and purposes, as if judgment were then entered against them for such balance in a court of record, provided that such balance shall not be a lien on such delinquent's property for a longer term than two years.

How fines and forfeitures under this act shall be recovered and applied,

SECT. XVII. *And be it further enacted by the authority aforesaid,* That all fines and forfeitures under this act, not otherwise provided for, shall be recoverable before any Justice of the peace, as debts under twenty pounds, at the suit of the county treasurers, respectively, for the use of the respective county; and all inhabitants and taxables of such county shall be lawful witnesses on any trial concerning such fines and forfeitures.

Delinquent collectors shall not be re-appointed,

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That no person shall be re-appointed a collector, who has not finally settled and paid off the whole amount of the balance due on for-



mer duplicates, or given security for the payment thereof; and if any person who has heretofore been or hereafter shall be a collector of taxes, and shall have neglected or refused, or shall neglect or refuse to pay the treasurer of the respective county within the time limited by law, all the sums of money which shall be due on his duplicate, excepting such sum as may be allowed by the commissioners for unavoidable losses, or for services for collecting, as is herein after mentioned, the treasurer is hereby authorized and required to issue his warrant, under his hand and seal, directed to the Sheriff or Coroner of the proper county, commanding him to take the body, and seize and secure all the estate, real and personal, of such delinquent collector, or which, in case of the death of the collector, may come into the hands or possession of his heirs, executors or administrators, and make return thereof to such treasurer, at such time and place as he shall appoint in his said warrant.

1799.  
proceedings  
against  
them.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That when the said lands and estates are secured as aforesaid, the treasurer of the proper county shall call a meeting of the board of commissioners, who are hereby required to attend, of which meeting he shall, in his said warrant, have notified the said delinquent collector; and if the arrearages are not then immediately discharged, the commissioners shall, and they are hereby empowered and required, to issue their warrant to the Sheriff or Coroner of the proper county, empowering and requiring him to sell, at public sale, all such estates, as shall be so seized and secured, or any part thereof, giving ten days previous notice of such sale, by written or printed advertisements, and to bring the money arising from such sale to the commissioners who granted the warrant, at the time and place mentioned therein, in order to satisfy and pay the respective county treasurer the sum or balance that shall be so unpaid, or detained in the hands of the said collectors, or their heirs, executors or administrators, returning the overplus, if any, to the owner, after all necessary charges are deducted.

Proceedings  
to sell the  
lands of  
delinquent  
collectors.

SECT. XX. *And be it further enacted by the authority aforesaid,* That when any sale of lands, tenements or hereditaments shall be made by such Sheriff or Coroner, pursuant to this act, the conveyance thereof shall be by deed, executed and acknowledged in the Court of Common Pleas of the proper county, by the Sheriff or Coroner, or their successors in office, to such person or persons as shall purchase the same, in fee-simple or otherwise, which shall be most absolute and available in law against the said delinquents, their heirs and assigns; and if any delinquent collector has removed or shall remove into any other county within this state, or shall have any estate, real or personal, in such other county or counties, and which shall not have been *bona fide*, and for a valuable consideration, disposed of, any process to be issued in pursuance of this act, may be directed to the Sheriff or Coroner of any such other county or counties, and shall be proceeded on as in and by this act is directed in the case before mentioned.

How lands  
of delinquent  
collectors  
sold under  
this act,  
shall be con-  
veyed.

Proceedings,  
if delinquent  
collectors  
have property  
else-  
where.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That if any Sheriff or Coroner, who has heretofore received, or hereafter shall receive, any money or monies for taxes, by virtue of

Proceedings  
against  
Sheriffs or  
Coroners de-  
taining taxes

1799.  
received by  
them.

their respective offices, and the laws in such cases provided, shall neglect or refuse, within twenty days after demand made by the treasurer of the proper county, to render a just and true account thereof, or to pay the same to such treasurer, a warrant or warrants shall be issued by the commissioners against such delinquent Sheriff or Coroner, in like manner, and such proceedings shall thereon be had to final judgment, execution and sale, as are in and by this act directed respecting delinquent collectors, with this difference only, that if such delinquent officer, at the time or times of the commencement of such proceedings against him or them, continued to be in office, the warrant or warrants to be issued against him or them, in pursuance hereof, shall be directed to the other officer, either Sheriff or Coroner, of the proper county, as the case may be, who shall proceed thereon in like manner, as any Sheriff or Coroner may or can do under this act in like cases; and the property, real and personal, of such Sheriff or Coroner shall in such cases be as liable to be seized in such other county or counties, and the like proceedings had on the same, as on the property of delinquent collectors is directed by the nineteenth section of this act.

Compensation of commissioners, assessors and collectors.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That each of the commissioners shall be allowed, out of the county stock, the sum of one dollar and thirty-three cents, and no more, for every day's attendance on the duties of his office; and each assessor and assistant assessor shall be allowed, out of the county stock, the sum of one dollar, for each and every day's attendance on the duties of their offices respectively; and each collector shall retain, at a final settlement of his duplicate, the sum of five per cent. on all monies by him so collected, which shall be allowed to him by the treasurer, and credited accordingly, and shall be in full compensation for his services as collector.

Penalties on commissioners, treasurers, assessors and collectors, who neglect or refuse their duty.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That if any of the said commissioners shall neglect or refuse to do his or their duty in office, he or they, so offending, shall, on conviction thereof before the Court of Quarter Sessions of the proper county, be fined for every such offence, in a sum not exceeding one hundred dollars; and if any treasurer appointed by virtue of this act shall neglect or refuse to do and perform the duties of his office, he shall, on conviction before the Court of Quarter Sessions of the proper county, be fined in any sum not exceeding two hundred dollars; and be disqualified from holding his office; which fines, by virtue of a writ of *fieri facias*, issuing from such court, and directed to the Sheriff or Coroner where such offender or his estate is, at the time of issuing such writ, shall be levied by distress and sale of goods and chattels, lands and tenements, of such person so refusing or neglecting; and if any assessor, assistant assessor or collector, having taken upon themselves to perform the duties of their offices, respectively, according to this act, shall neglect or refuse to comply with their respective orders or warrants, issued to them by the commissioners in pursuance of this act, or shall not do and perform the duties hereby enjoined on them, each of them, so neglecting or refusing, shall be fined by the board of commissioners of the proper county in any sum not exceeding forty dollars.



SECT. XXIV. *And be it further enacted by the authority aforesaid,* 1799.  
That when the inhabitants of any county shall be desirous to have a bridge erected or repaired on any public road over any water, they shall apply, by petition, to the Judges of the court of Quarter Sessions of the proper county, stating the place and circumstances of the case, with the probable expense, and the said court shall give said petition in charge to the grand jury, who shall consider of the propriety of erecting or repairing the same; and if the court and jury shall approve thereof, the court shall make an order on the commissioners, requiring them to cause the same to be erected or repaired in the manner prayed for, or in any other manner, to be directed by the said court and jury; and thereupon the said commissioners shall, as soon as conveniently may be done, carry the said order into effect.

Proceedings to erect, or repair, county bridges.

(Post. chap. 2287, sect. 21, and see an act passed 30th March, 1811, sect. 3.)

SECT. XXV. *And be it further enacted by the authority aforesaid,*  
That the goods and chattels of all tenants occupying any lands or tenements within this state shall be as liable to be distrained for taxes, arising out of such lands and tenements, as though the said tenants were the real owners thereof: *Provided nevertheless,* That such tenant shall have the benefit of defalcating such tax with his landlord, at the payment of his rents, unless specially agreed upon otherwise by contract or lease; and all unseated lands, held by location, warrant or patent, within this state, shall be valued and assessed in the same manner and form as any other property, but the collection of the taxes by sale arising from the same shall be stayed by the commissioners of the proper county, until three months notice is given in three of the daily papers of the city of Philadelphia, and in one other newspaper in or nearest to the county where such land is situate, that one or more year's tax is due on the unseated land in said county; and the expenses of such publication shall be at the proper cost of the delinquents; [and if any tax due as aforesaid shall, at the expiration of three months remain unpaid, the commissioners shall make a statement of said land, designating the title, as near as may be, with the amount of the tax assessed on each tract, and publish the same three months in the nearest public newspaper, and three times in at least three of the daily newspapers in the city of Philadelphia; and the commissioners shall thereupon, if the tax be not then paid, issue their warrant, under their hands and seals, to the Sheriff or Coroner, directing him to make sale of the whole or any part thereof, as he may find necessary for the payment of the taxes thereon, with all costs necessarily accruing, and the proceedings therein shall be the same as is herein directed for the sale of the estate of delinquent collectors; and deeds of unseated lands so sold shall be executed in open court, as therein directed.]

The property of tenants liable for taxes, but they may defalcate against their rent.

Unseated lands how to be assessed; but the collection of the taxes shall be stayed until notice given.

Proceedings in such cases. (See acts of 3d April, 1804 and 4th April, 1809.)

SECT. XXVI. *And be it further enacted by the authority aforesaid,*  
That the commissioners of each county within this commonwealth shall have and use one common seal, for the purpose of sealing their proceedings, and that copies of the same when signed and sealed by the said commissioners and attested by their clerk, shall

The Commissioners to have and use a common seal; and copies of their proceedings, under seal,

1799. be good evidence of such proceedings on the trial of any cause in any of the courts within this commonwealth.

shall be evidence.

Commissioners to publish an annual account of their proceedings; particulars thereof.

SECT. XXVII. *And be it further enacted by the authority aforesaid,* That the commissioners of each and every county shall publish a fair and accurate statement of all receipts and expenditures of the preceding year, for four days at least in one or more of the newspapers printed in their counties respectively, wherein a newspaper is or shall be printed, and where no paper is or shall be printed, then in at least fifty handbills, to be set up in the most public places in the county, in the month of February, annually, under the penalty of one hundred dollars each, to be recovered by the Prothonotary of the county and paid into the treasury, for the use of the county; and the said statement shall enumerate the respective sums paid by each ward or township within the said city and county, and also designate the various sums expended for the support of the prisons, the pay of each commissioner and their clerks, the repairs of old or erection of new bridges, and the sums paid to individuals, for lands over which roads have been laid out, with such other items, as they may judge will have a tendency to convey general information on the various transactions of the year.

Repeal of former laws for county rates and levies.

SECT. XXVIII. *And be it further enacted by the authority aforesaid,* That so much of all former laws of this commonwealth, as relates to or any way directs the raising of county rates and levies, are hereby repealed, and declared null and void: *Provided,* That nothing herein contained shall prevent the collection of any tax or taxes laid under any former law or laws. (*p*)

Passed 11th April, 1799.—Recorded in Law Book No. VII. page 38.

(*p*) By act of 28th March, 1803, (chap. 2353,) no county Treasurer shall serve in said office longer than three years in any term of six years.

A supplement to the act in the text was passed 4th April, 1805, (chap. 2602,) which is repealed and supplied by a further supplement, passed 28th March, 1808, (chap. 2985,) which enacts, that the assessors of the several wards, &c. shall previous to every triennial assessment, meet at the Commissioner's office in the respective counties, on a day by them to be appointed, and a majority of such assessors present shall proceed with said Commissioners to fix upon some uniform standard to ascertain the *bona fide* value of all property made taxable by the act in the text, taking into consideration improvements, proximity to market, and other advantages of situation, so that the same relative value of the aggregate amount of property may be observed as it respects wards, townships, incorporated boroughs and districts in the same county, that is observed in the valuation of property in the same township.

§ 2. The assessors and assistant assessors of the city and county of Philadelphia, and of the other counties, shall proceed according to the standard previously agreed on, and the directions of the act in the text, to ascertain the *bona fide* value of all property made taxable thereby within their respective wards, townships, incorporated boroughs and districts, and after their assessments are completed, the Assessors shall again meet at the Commissioner's office as before directed, to make the returns of their several assessments, when they shall be allowed to point out errors or deviations from said standard, in each other's returns, and the Commissioners shall be authorized upon such appeal to correct any errors or deviations that may be proved to their satisfaction, after which the Commissioners shall apportion the *quotas* of the county tax among the several wards, &c. within their counties respectively, according to the aggregate amount of property in each; and in holding appeals, it shall be the duty of the Assessors to attend said appeal to prevent impositions being practised



upon the Commissioners by persons appealing.

§ 3. The supplement of 4th April, 1805, and so much of the act in the text as is hereby altered and supplied, are repealed.

For the mode of selling unseated lands for taxes, see the act of 3d April, 1804, (chap. 2512,) and the act of 4th April, 1809.

County Commissioners and Treasurers prohibited from holding any contract under the board of Commissioners, or superintending any public work,

unless in their official capacity. Act of 21st March, 1806, (chap 2681.)

County Commissioners authorized to administer oaths or affirmations in all cases that relate to the duties of their offices, act of 23d March, 1811.

For various duties enjoined on county Commissioners, and for other matters connected with the subject of county rates and levies, see the General Index, titles "County Commissioners," "County Treasurers," "Auditors," "Taxes," "Accounts."

1799.

# A C T S

OF THE

## General Assembly of Pennsylvania.

Passed during the tenth General Assembly, which commenced 3d December, 1799, and ended 17th of March, 1800.

1800.

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THOMAS M'KEAN, GOVERNOR.  
JOHN WOODS, SPEAKER OF THE SENATE.  
ISAAC WEAVER, JUNR. SPEAKER OF THE HOUSE OF  
REPRESENTATIVES.

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### CHAPTER MMLXXXVI.

*An ACT for erecting part of the county of York, into a separate county.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all that part of the county of York included within the following lines, viz. Beginning in the line of Cumberland county where the road from Carlisle to Baltimore leads through Trent's gap; thence along the said road to Binder's; thence a straight line to Conewago creek opposite to the mouth of Abbot's run; thence along the line of Berwick and Paradise townships, until it strikes the line of Manheim township; thence along the line of Manheim and Berwick westwardly, until it strikes the road leading from Oxford to Hanover-town; and from thence a due south course until it strikes the Maryland line; thence along the Maryland line to the line of Franklin county; thence along the line of Franklin and Cumberland counties to the place of beginning, shall be, and the same is hereby erected into a separate county, to be henceforth called and known by the name of Adams County.*

Boundaries  
of Adams  
county.

Jurisdiction  
and privi-  
leges of the  
county.

SECT. II. *And be it further enacted by the authority aforesaid, That the inhabitants of the said county of Adams shall at all times hereafter, enjoy all and singular the jurisdictions, powers, rights, liberties and privileges whatsoever within the same, which the inhabitants of other counties of this state do, may or ought to enjoy*



within their respective counties by the constitution and laws of this Commonwealth. 1800.

SECT. III. *And be it further enacted by the authority aforesaid,* That the Judges of the Supreme Court and the president of the second district, of which district the said county of Adams is hereby declared to be part as well as the associate judges in and for the county of Adams, shall have like powers, jurisdictions and authorities within the same, as are warranted to, and exercised by the said judges in other counties of this commonwealth; and that the Courts of General Quarter Sessions of the Peace and of the Common Pleas, in and for the county of Adams, shall be opened and holden on the second Mondays in the months of March, June, September and December, at the town of Gettysburgh, in the said county. Of the Supreme Court, Common Pleas and Quarter Sessions. (Altered.)

SECT. IV. *And be it further enacted by the authority aforesaid,* That no action or suit now commenced, or that may be commenced in the county Courts of York before the second Monday of June next, against any person living or residing within the bounds of the county of Adams, shall be stayed, discontinued or affected by this act or any thing herein contained; but that the same may be prosecuted in the same manner as if this act had not been passed. Continuance of process.

SECT. V. *And be it further enacted by the authority aforesaid,* That the Sheriff, Coroner and public officers of the county of York, shall continue to exercise the duties of their respective offices within the county of Adams, until similar officers shall be appointed agreeably to law, within the said county of Adams. Of the county officers.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the Sheriff, Treasurer and all such officers as have heretofore usually given bail for the faithful discharge of the duties of their respective offices, who may hereafter be elected or appointed in the county of Adams before they or either of them shall enter upon the execution of their respective offices, shall give sufficient security in the like sums, in the like manner and form and for the like uses, trusts and purposes, as such officers are obliged by law to do in the county of York. Of the sureties of county officers.

SECT. VII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Commissioners of the said county of Adams, who shall be elected at the next annual election, to take assurance to them and their successors in office, of a lot or lots of ground, for the purpose of erecting thereon a court-house, gaol, and offices for the safe keeping of the records: *Provided,* That the said lot or lots of ground shall be within the town of Gettysburgh, in the said county, for defraying the expenses thereof, the said Commissioners shall assess and levy in the manner directed by the act for raising county rates and levies, a sum not exceeding three thousand dollars. Provision for public buildings.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That all arrearages of taxes now due, and which have been assessed within the county of York prior to the passing of this act, shall be collected by the proper officers and paid into the treasury of the said county of York, in the same manner as if this act had not passed. Provision as to the arrearage of taxes.

1800. ed : And the said county of Adams shall form a part of the district composed of the county of York, for electing members of Congress and Senators of this commonwealth.

Provision as to the representation and election of officers of the county.

[Supplied.]

SECT. IX. *And be it further enacted by the authority aforesaid,* That until the next enumeration be taken, and the representation shall be fixed by law, the county of York as divided from the county of Adams herein and hereby erected, shall choose only four representatives to serve in the General Assembly; and that the county of Adams hereby erected, shall at the first general election to be holden for the said county on the second Tuesday of October next, choose two representatives to serve in General Assembly; two fit persons for sheriffs; two fit persons for coroners; and three commissioners, in the same manner, and under the same rules, regulations and penalties, as by the constitution and laws of this state is directed in respect to other counties: and the said representatives and other officers when chosen as aforesaid, and duly qualified, shall have and enjoy all and singular such powers, authorities and privileges in and for their county, as such officers elected in and for any other county in this state may, can or ought to have.]

Provision for running the line between York and Adams counties.

SECT. X. *And be it further enacted by the authority aforesaid,* That the Governor be, and he is hereby authorized to appoint three commissioners, who, or any two of them, shall run and mark the dividing line between the said county of York and the county of Adams, in the same manner, as is before described in the first section of this act, which line, when so run and marked, shall be the boundary between the counties of York and Adams aforesaid; and that the said commissioners shall receive for their services at the rate of three dollars per day each, and no more, to be paid half by the county of York, and half by the county of Adams, by drafts from the commissioners of the respective counties on the treasurers of the same, which the said commissioners are hereby authorized and directed to grant.

Of the time of holding courts in Adams and Dauphin counties.

[Supplied.]

[SECT. XI. *And be it further enacted by the authority aforesaid,* That the first court to be holden in and for the county of Adams, shall be opened and held on the second Monday in June next, and from and after the first Monday in June next, the courts of Dauphin county, which by law are to be opened and holden on the second Mondays of March, June, September and December, shall be opened and held on the third Mondays of the said months.]

Trustees of the county of Adams.

(Obsolete.)

SECT. XII. *And be it further enacted by the authority aforesaid,* That the Rev. Alexander Dobbin and David Moore, senior, of the said county of Adams, be, and they are hereby appointed trustees for the said county of Adams, with full powers for them or the survivor of them, to take, as well all such assurances as have been offered and made to them, as trustees of the said county hereby erected, as those which may hereafter be offered by any person or persons for the payment of money, or the conveyance or transfer of any property in trust and for the use of erecting public buildings in the town of Gettysburgh, in the said county of Adams, and other county purposes, and to recover and enforce the same by any lawful ways and means in trust, and for the use aforesaid, and to account for the



same with the commissioners of the said county for the time being. (q) 1800.

Passed 22d January, 1800.—Recorded in Law Book No. VII. page 79.

(q) By a supplement passed 15th March, 1800, (chap. 2129,) persons are appointed to purchase lots for the use of the county, in Gettysburgh, and erect the public buildings thereon, &c.

Five election districts established in Adams county, by act of 31st January, 1801, (chap. 2153.)

Straban township annexed to the first district, by act of 4th April, 1809, (§ 1.)

Hamilton township erected into a separate district, by act of 1st April, 1811, (sect. 11.)

The powers of the trustees of Adams county transferred to the county commissioners. The trustees to render an account, and pay the commissioners all the monies remaining in their hands. The commissioners authorized to lay an additional tax to complete the public buildings; act of 26th March, 1804, (chap. 2468.)

By the last enumeration, the county of Adams contained two thousand seven hundred and forty-one taxables; and with the county of York, eight thousand three hundred and three taxables; and by act of 21st March, 1808, apportioning the representation in pursuance thereof, the county of Adams sends two members to the House of Representatives; and in conjunction with York county, two members to the Senate.

By act of 24th February, 1806, (chap. 2634,) the counties of Adams, Franklin and Cumberland compose the ninth Judicial district. The courts in Adams county are held on the third Mondays in January, April, August and November; the term continues two weeks.

Adams county is annexed to the southern district of the Supreme Court.

## CHAPTER MMLXXXVII.

*An ACT transferring the powers of the trustees of the county of Greene, to the commissioners of said county.* [Chap. 1859, ante, page 262.]

SECT. 1. [THE power of the trustees of Greene county transferred to the county commissioners. 2. Accounts of the trustees to be settled, and money raised for completing the county buildings.]

Passed 28th January, 1800 —Recorded in Law Book No. VI. page 83.

## CHAPTER MMXCII.

*An ACT for erecting parts of the counties of Mifflin, Northumberland, Lycoming and Huntingdon, into a separate county.*

WHEREAS it has been represented to the Legislature of this state, by the inhabitants of those parts of the counties of Mifflin, Northumberland, Lycoming and Huntingdon, included within the lines hereafter mentioned, that they labour under great hardships, by reason of their great distance from the present seats of justice, and the public offices for the said counties: For remedy whereof,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all and singular the lands lying within the bounds and limits herein after described, shall be, and are hereby erected into a separate* Boundaries of Centre county established.

1800. county, by name of Centre county, namely, beginning opposite the mouth of Quinn's run, on the west branch of Susquehanna; thence a straight line to the mouth of Fishing creek, where it empties into the Bald-eagle creek; thence to the north-east corner of Miles's (late Haines's) township, including Nittany valley; thence by the north-eastern boundaries of the said township to the summit of Tussey's mountain; thence by the summit of said mountain, by the lines of Haines's township in Northumberland county, Potter township in Mifflin county, and Franklin township in Huntingdon county, to a point three miles south-west of the present line between Mifflin and Huntingdon counties; thence by a direct line to the head of the south-west branch of Bald-eagle creek; thence a direct line to the head waters of Moshannon; thence down the same to Susquehanna, and down the Susquehanna to the place of beginning.

Jurisdiction  
and priv-  
ileges of the  
county.

SECT. II. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said Centre county, shall at all times hereafter, enjoy all and singular the jurisdictions, powers, rights, liberties and privileges whatsoever, within the same, which the inhabitants of other counties of this state do, may, or ought to enjoy within their respective counties by the constitution and laws of this commonwealth.

Of the Su-  
preme  
Court, Com-  
mon Pleas  
and Quarter  
Sessions.

SECT. III. *And be it further enacted by the authority aforesaid,* That the judges of the Supreme Court, and the president of the fourth district, of which district the said Centre county is hereby declared to be a part, as well as the associate judges who shall be commissioned in and for the said Centre county, shall have like powers, jurisdictions and authorities within the same, as are warranted to, and exercised by the said judges in other counties of this commonwealth; and that the Courts of General Quarter Sessions of the Peace, and of the Common Pleas, in and for the said Centre county, shall be opened and holden on the Mondays next succeeding the General County Courts held in the county of Mifflin, in each year, at the house now occupied by James Dunlop, in the town of Bellefont, in the said Centre county, until a court-house shall be erected as herein after directed, and shall then be held at the said court-house.

Of the Com-  
mon Pleas  
and Quarter  
Sessions of  
Huntingdon  
and Bedford.

[Supplied.]

SECT. IV. *And be it further enacted by the authority aforesaid,* That the Courts of Common Pleas and General Quarter Sessions of the Peace for the county of Huntingdon, shall be held on the Mondays next succeeding such courts to be held in the said Centre county, and the said courts for the county of Bedford, shall be held on the Mondays next succeeding the said courts in the county of Huntingdon.]

Provision  
for continu-  
ing process  
in the new  
county.

SECT. V. *And be it further enacted by the authority aforesaid,* That no action or suit now commenced, or that shall be commenced in the County Courts of Mifflin, Northumberland, Lycoming or Huntingdon, before the first day of November next, against any person living or residing within the bounds of Centre county, shall be stayed, discontinued or affected by this act, or any thing herein contained, but that the same may be prosecuted to the final issue in the same manner as if this act had not been passed.



SECT. VI. *And be it further enacted by the authority aforesaid,* 1800.  
That the inhabitants of the said Centre county, shall, under the  
same rules, laws and regulations as the other counties of this com-  
monwealth, elect such officers as they by law and the constitution are  
entitled to. Of county  
officers.

SECT. VII. *And be it further enacted by the authority aforesaid,* Of sureties  
of the coun-  
ty officers.  
That the Sheriffs, Treasurers and all such officers as have hereto-  
fore usually given bail for the faithful discharge of the duties of  
their respective offices, who may hereafter be elected or appointed  
in Centre county, before they or either of them shall enter upon  
the execution of their respective offices, shall give sufficient securi-  
ty in the like sums, in the like manner and form, and for the like  
uses, trusts and purposes, as such officers are obliged by law, for the  
time being, to do in the county of Mifflin.

SECT. VIII. *And be it further enacted by the authority aforesaid,* Of arrears  
ages of tax-  
es.  
That all arrearages of taxes now due, and which have been assessed  
within the counties of Mifflin, Northumberland, Lycoming and  
Huntingdon, prior to the passing of this act, shall be collected by the  
proper officers of the said counties, and shall be by them paid to the  
Treasurers of the said counties respectively, in the same manner as  
if this act had not passed.

SECT. IX. *And be it further enacted by the authority aforesaid,* Trustees for  
the county.  
That Andrew Gregg, William Swanzy and Robert Boggs, of Bald-  
Eagle, be, and they are hereby appointed Trustees for the county  
aforesaid, with full authority for them, or the survivors or survi-  
vor of them, to purchase or take and receive by grant, bargain, or  
otherwise, as well all such assurances for the payment of money  
and grants of land, as hath been stipulated for by James Dunlop  
and James Harris, by their bond to the Governor of this Common-  
wealth, as also any monies, bonds or other property that may here-  
after be offered to them, in trust to sell and convey, or otherwise  
dispose of the same, to the best advantage; and to vest one moi-  
ety of the neat proceeds thereof in some productive fund, for the  
support of an academy or public school, in the said county; and  
with the other moiety of the neat proceeds of the land or lots afore-  
said, and with other monies duly assessed, levied and collected  
within the said Centre county for that purpose, which it is hereby  
declared it shall be lawful for the Commissioners thereof to do or  
cause to be done, to build and erect a court-house, prison and other  
buildings for the safe keeping of the public records of said county,  
on such part of the public square, laid out in the said town of Belle-  
font, as to them shall appear most suitable; and the said Trustees  
shall, from time to time, render due and faithful accounts of the ex-  
penditures of the same, to the Commissioners and to the Auditors  
of the county who are hereby authorized to adjust and settle the  
same. Of county  
buildings.

SECT. X. *And be it further enacted by the authority aforesaid,* Of elections  
in the new  
county.  
That the inhabitants of the county of Centre, until the next enu-  
meration of the taxable inhabitants is made agreeably to the fourth  
section of the first article of the constitution, shall hold their elec-  
tions for members of Federal and State Legislatures, with the coun-  
ties and districts to which they have been heretofore annexed, in the

1800. same manner as if this law had not been enacted, any thing herein contained to the contrary notwithstanding, save only that the inhabitants of so much of lower Bald-Eagle as is included in the said Centre county, shall hold their general elections at the house now occupied by Archibald Stewart, in the said township, and so much of Franklin township, as is included in the said Centre county, shall hold their general elections with the inhabitants of the townships of Potter and Patton, at the house now occupied by William King, in Potter's township. (r)

Passed 13th February, 1800.—Recorded in Law Book No. VII. page 90.

(r) By an act passed 7th January, 1801, (chap. 2147.) Commissioners to be appointed to run part of the lines between Huntingdon and Centre, and also, between Lycoming and Centre. Duplicate plots to be made of the surveys, and deposited in the offices of the respective counties. The prison may be built on any other lot than the public square.

By the same act, the first and second election districts are established.

The second district new modelled, and Patton and Warrior-Mark townships, annexed to the first district, by act of 25th February, 1801, (chap 2188,) place of holding elections therein changed, act of 31st March, 1806, (chap. 2715, § 26.)

Halfmoon and Patton townships erected into a separate district, by act of 19th January, 1802, (chap. 2209.)

The place of holding elections in Bald-Eagle township, (the fourth district) fixed, by act of 17th March, 1802, (chap. 2247,) but place changed by act of 4th April, 1805, (chap. 2599, § 10.)

The sixth election district erected, by act of 8th January, 1805, (ch. 2514)

Centre township erected into the seventh district by act of 11th April, 1807, (chap. 2856, § 43.)

Beccaria, Bradford, and part of Halfmoon township, in Clearfield county (which elects with Centre) erected into a separate district, by act of 28th March, 1808, (chap. 2872, § 27,) Potter township and Ferguson townships, erected into separate districts, by same act, § 31-2

Trustees appointed for the county of Centre by act of 6th February, 1804, (chap. 2411,) and act of 4th March, 1807, (chap. 2750.)

An academy established at Bellefont, by act of 8th January, 1804, (chap. 2519,) money granted to it, act of 9th January, 1806, (chap 2618.)

The power and authority of the Commissioners, &c. of Centre county, extended throughout the county districts of Clearfield and M'Kean. The Commissioners and Treasurer to keep distinct accounts of the monies levied and collected in said districts, which are to be applied to special purposes. Recorder of deeds to provide separate books to record deeds for lands in said districts, to be delivered over when recorders shall be appointed in them respectively, and Clearfield county made an election district, act of 14th March, 1805, (chap. 2556.)

By the last enumeration, the county of Centre contained one thousand nine hundred and eighteen taxables, Clearfield, one hundred and sixty-three M'Kean, thirteen, total two thousand and ninety-four, Lycoming, two thousand and forty-six, and by the act of 21st March, 1808, apportioning the representation in pursuance thereof, Centre, Clearfield and M'Kean send one member to the House of Representatives, and Centre, Clearfield, M'Kean, Lycoming, Tioga and Potter, jointly, send one member to the Senate.

By act of 24th February, 1806, (chap. 2634,) Mifflin, Centre, Huntingdon and Bedford counties, compose the fourth judicial district. The Courts in Centre are held on the fourth Mondays of January, April, August and November. The term continues one week.

Centre county is attached to the middle district of the Supreme Court.

## CHAPTER MMXCV.

An ACT to declare part of Shaver's creek in the county of Huntingdon, a public highway.

SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assem-



*bly met, and it is hereby enacted by the authority of the same, That* 1800.  
 from and after the passing of this act, Shaver's creek in the county  
 of Huntingdon, from its mouth up to the line of John and James  
 Crawford's land, shall be, and the same is hereby declared to be a Shaver's  
 creek de-  
 clared a  
 highway.  
 public highway, for the passage of boats and rafts along the same,  
 and it shall and may be lawful for the inhabitants desirous of im-  
 proving or using the navigation of the said creek, to remove all nat-  
 ural and artificial obstructions from the mouth thereof up to the  
 line of John and James Crawford's land aforesaid; provided that  
 in doing the same, they shall not thereby do any damage to private  
 property on the said creek.

SECT. II. *And be it further enacted by the authority aforesaid,* Proviso as to  
 dams pre-  
 viously au-  
 thorized.  
 That nothing in this act contained, shall be deemed, taken or un-  
 derstood, to prevent any person or persons possessing land on the  
 said creek, who before the passing of this act, had authority under  
 the law of this commonwealth, to erect a dam or dams, from erect-  
 ing the same, as he, she or they may think proper: *Provided,* That  
 such dam or dams be so constructed and kept in repair by the own-  
 ers thereof, with complete slopes and locks, on convenient parts of  
 such dams, as that the navigation of the said creek for boats and  
 rafts will not be injured thereby, nor the passage of fish prevented.

Passed 19th February, 1800.—Recorded in Law Book No. VII. page 94.

## CHAPTER MMXCVI.

A SUPPLEMENT to the several acts relative to establishing [Ante. chap.  
 1845, pa. 233,  
 and chap.  
 2069, pa.  
 381.]  
 town and out lots, and selling the same, within the reserved tracts  
 of land adjoining Erie, Franklin, Warren and Waterford.

WHEREAS it has heretofore been provided by law, that the  
 respective purchasers of town lots in the towns of Erie, Franklin,  
 Warren and Waterford, should, within two years from and after the  
 day of sale, erect and build one house at least sixteen feet square,  
 and containing at least one brick or stone chimney, on each and  
 every town lot by them respectively purchased; and that without  
 due proof of such improvement the Governor should not grant or  
 issue any patent: And whereas, provision has also been heretofore  
 made, for allowing persons who have purchased any lot or lots in  
 the second and third divisions of the town of Erie, to take a lot or  
 lots in the first division of the said town, at the same price they  
 purchased them at the former sales, and that all those who have  
 paid for or improved any forfeited lot or lots, shall have a pre-emp-  
 tion to the said lot or lots, at the price they sold at former sales;  
 provided he, she or they, did apply within three months after the  
 eleventh of April last, and pay for the same.

But whereas, no provision was made to dispense with the im-  
 provement heretofore required by law, to be erected in case of  
 making such change of lots, or complying with the said terms of  
 pre-emption, and it appears expedient that the said improvements  
 should be dispensed with, and further time allowed for securing the  
 said pre-emption: Therefore,

1800.

Repeal of  
improvement  
clauses, as to lots  
in Erie,  
Franklin,  
Warren and  
Waterford.

Pre-emption  
continued in  
favour of  
purchasers  
in those  
towns.

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* so much of any law as imposes upon any person or persons who have purchased, or shall hereafter purchase, any lot or lots in the towns of Erie, Franklin, Warren and Waterford, the condition of improving the same, and prohibits the issuing of any patent or patents, unless proof of such improvement be first made, shall be, and the same is hereby repealed.

[SECT. II. *And be it further enacted by the authority aforesaid, That* any person or persons, who have paid any money for, or improved, any forfeited lot or lots in the said towns of Erie, Franklin, Warren or Waterford, shall have a pre-emption to said lot or lots, at the prices they sold for at former sales; provided he, she or they apply within twelve months after the passing of this act, and pay for the same.] (s)

Passed 19th February, 1800.—Recorded in Law Book No. VII. page 97.

(s) This act was continued for one year from 26th February, 1801, by act of that date, (post. chap. 2189.) The act is however retained, as titles may yet remain to be completed under it.

## CHAPTER MMXCVII.

*An ACT to enable the owners and possessors of a certain tract of marsh meadow, situate on the west side of Darby creek, and adjoining to the river Delaware, in the township of Ridley, in the county of Delaware, to keep the banks, dams, sluices and flood-gates in repair, and to raise a fund to defray the expense thereof.*

SECT. 1. [MANAGERS and Treasurer of the meadow on Darby creek, how chosen. 2. Penalty for refusing to act as manager, and proceedings thereon. 3. Duty of the Treasurer. 4. Manner of supporting the meadow banks, &c. of the company. 5, 6. Power of the Managers. 7. Width of ditches and drains prescribed. 8. Power of the Managers, in directing repairs, &c. 9. Width of drains from Stone creek to Crum creek. 10. Remedy for persons aggrieved, by arbitration. 11. Orders of the Managers to be paid by the Treasurer. 12. Punishment for injuries done to the premises, by indictment. 13. Power to enforce assessments on owners of meadow land. 14. Compensation of the managers. 15. Repeal of part of former laws, so far as they relate to this meadow.]

Passed 26th Feb'y, 1800.—Private Act.—Recorded in Law Book No. VII. pa. 99.

## CHAPTER MMXCIX.

*An ACT for dividing the city of Philadelphia into wards, and allowing an additional inspector to each of the said wards, and for other purposes.*

WHEREAS from the increased population of the city of Philadelphia, and the unequal division of the same into wards, great in-



conveniences have been experienced, not only in making assessments and collecting taxes, but also, in conducting the general elections for the said city : For remedy whereof,

1800.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the city of Philadelphia shall be divided into fourteen wards, in the manner following, viz. so much of the said city as shall be included within a line beginning at the river Delaware, thence by the northern boundary of the city to Fourth-street, thence by the same to Sassafras-street, thence by the same to the river Delaware, and thence by the said river to the northern boundary of the city, shall be one ward, to be henceforth called "Upper Delaware Ward;" and so much of the said city as shall be included within a line beginning at the river Delaware, thence by Sassafras-street to Fourth-street, thence by the same to Mulberry-street, thence by the same to the river Delaware, and thence by the said river to Sassafras-street, shall be one ward, to be henceforth called "Lower Delaware-Ward;" and so much of the said city as shall be included within a line beginning at the river Delaware, thence by Mulberry-street to Fourth-street, thence by the same to High-street, thence by the same to the river Delaware, and thence by said river to Mulberry-street, shall be one ward, to be henceforth called "High-street Ward;" and so much of the said city as shall be included within a line beginning at the river Delaware, thence by High-street to Fourth-street, thence by the same to Chesnut-street, thence by the same to the river Delaware, and thence by the said river to High-street, shall be one ward, to be henceforth called "Chesnut Ward;" and so much of the said city as shall be included within a line beginning at the river Delaware, thence by Chesnut-street to Fourth-street, thence by the same to Walnut-street, thence by the same to the river Delaware, and thence by the said river to Chesnut-street, shall be one ward, to be henceforth called "Walnut Ward;" and so much of the said city as shall be included within a line beginning at the river Delaware, thence by Walnut-street to Fourth-street, thence by the same to Spruce-street, thence by the same to the river Delaware, and thence by the said river to Walnut-street, shall be one ward, to be henceforth called "Dock Ward;" and so much of the said city as shall be included within a line beginning at the river Delaware, thence by Spruce-street to Fourth-street, thence by the same to the southern boundary of the city, thence by the said boundary to the river Delaware, and thence by the said river to Spruce-street, shall be one ward, to be henceforth called "New Market Ward;" and so much of the said city as shall be included within a line beginning at Fourth-street aforesaid, thence by the northern boundary of the city to the western boundary of the same, thence by the said western boundary to Sassafras-street, thence by the same back to Fourth-street, and thence by the same to the place of beginning, shall be one ward, to be henceforth called "North Mulberry Ward;" and so much of the said city as shall be included within a line beginning at Fourth-street aforesaid, thence by Sassafras-street, to the western boundary of the

The city of Philadelphia divided into fourteen wards.

Upper Delaware.

Lower Delaware.

High-street.

Chesnut.

Walnut.

Dock.

New Market.

North Mulberry.

1800. South Mulberry.	city, thence by the same to Mulberry-street, thence by the same back to Fourth-street, and thence by the same to the place of beginning, shall be one ward, to be henceforth called "South Mulberry Ward;" and so much of the said city as shall be included within a line beginning at Fourth-street aforesaid, thence by Mulberry-street to the western boundary of the city, thence by the same to High-street, thence by the same back to Fourth-street, and thence by the same to the place of beginning, shall be one ward, to be henceforth called
North.	"North Ward;" and so much of the said city as shall be included within a line beginning at Fourth-street aforesaid, thence by High-street to the western boundary of the city, thence by the same to Chesnut-street, thence by the same back to Fourth-street, and thence by the same to the place of beginning, shall be one ward, to be
Middle.	henceforth called "Middle Ward;" and so much of the said city as shall be included within a line beginning at Fourth-street aforesaid, thence by Chesnut-street to the western boundary of the city, thence by the same to Walnut-street, thence by the same back to Fourth-street, and thence by the same to the place of beginning, shall be one
South.	ward, to be henceforth called "South Ward;" and so much of the said city as shall be included within a line beginning at Fourth-street aforesaid, thence by Walnut-street to the western boundary of the city, thence by the same to Spruce-street, thence by the same back to Fourth-street, and thence by the same to the place of beginning,
Locust	shall be one ward, to be henceforth called "Locust Ward;" and so much of the said city as shall be included within a line beginning at Fourth-street aforesaid, thence by Spruce-street, to the western boundary of the city, thence by the same to the southern boundary thereof, thence by the same back to Fourth-street, and thence by the same to the place of beginning, shall be one ward, to be henceforth
Cedar.	called "Cedar Ward."

SECT. II. *And be it further enacted by the authority aforesaid,* That it shall henceforth be lawful for the electors of the aforesaid wards, under the same regulations that are prescribed by the act, entitled "An Act to regulate the general elections of this commonwealth," to choose two Inspectors of the general election for each and every of the said wards, and in conducting the said general elections, and receiving the votes at the same, the two Inspectors for each ward shall occupy one window or door of the house where the election shall be holden, in exclusion of the Inspector or Inspectors of any other ward or place; and that from and after the passing of this act, the general elections for the said city shall be opened between the hours of eight and ten in the forenoon, and shall continue, without interruption or adjournment, until the electors, who shall come to the said election, shall have an opportunity to give in their votes, any thing in the said recited act to the contrary notwithstanding.

SECT. III. *And be it further enacted by the authority aforesaid,* That at the next ensuing elections for assessors and constables for the several wards of the said city, each of the aforesaid wards shall be entitled to choose the same number of assessors as the several wards are now by law entitled to, and one constable; and until the said elections, the present assessors and constables shall continue in



the performance of their several duties, as if this act had not been passed. 1800.

Passed 1st March, 1800.—Recorded in Law Book No. VII. page 114.

## CHAPTER MMC.

An ACT to annex part of Bedford county to the county of Somerset. [Vol. I, pa. 330, ante. pa. 229.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* all that part of Bedford county in Londonderry township, lying westward of a line to begin on the top of the Little Allegheny mountain, where the Maryland line crosses the same; thence running along said mountain a northerly direction to where the mountain breaks; thence a straight line to the breast-works to intersect the present line between Bedford and Somerset counties, shall from and after the passing of this act, be annexed to the county of Somerset, and the electors thereof shall hold their general elections in Berlin.

SECT. 2. [The line to be run, and reported to the Quarter Sessions. Obsolete.]

SECT. III. *And be it further enacted by the authority aforesaid, That* no action or suit that have been, or may be commenced in the County Court of Bedford before the first day of June, against any person living or residing within the lines by this law annexed to the county of Somerset, shall be stayed, discontinued or affected by this act, but the same may be prosecuted to the final issue, in the same manner as if this act had not passed; and all taxes laid by the commissioners of Bedford county, on the persons or property included within the said lines prior to the passing of this act, shall be collected and paid into the treasury of Bedford county. Of suits depending; and taxes previously laid.

Passed 1st March, 1800.—Recorded in Law Book No. VII. page 112.

## CHAPTER MMCI.

An ACT authorizing the commissioners of Northampton county, and their successors in office, to receive for a limited time, the toll therein mentioned from travellers and others passing over the bridge erected over the Lehigh, where the road leading from Easton to Philadelphia crosses the same, in the county aforesaid. [Ante, chap. 1396.]

SECT. 1. [TOLL to be received for passing the Lehigh bridge. Rates of toll prescribed. Contracts may be made for an annual sum. 2. Penalty for extorting more tollage than is allowed by law. 3. Accounts to be annually exhibited to the grand jury, and appropriation of the tolls to extinguish the expenses of building. 4. On what terms the bridge may be declared free.]

Passed 1st March, 1800.—Recorded in Law Book No. VII. page 108.

1800.

## CHAPTER MMCH.

*An ACT declaring Big Schuylkill a public highway.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, Big Schuylkill, from the mouth of Norwegian creek, where it empties into said river, up to where the Catawissey road crosses the same, shall be, and the same is hereby declared a public highway, for the passage of boats and rafts, under the limitations and restrictions herein after specified; and it shall and may be lawful for the inhabitants desirous of using the navigation of the said stream, to remove all natural and artificial obstructions out of the same, from the mouth of Norwegian creek up to the said road, and to erect such slopes and locks at the mill-dams now built, as may be necessary for the passage of boats and rafts; provided such slopes and locks shall be so constructed as not to injure the works of said dams.*

Big Schuyl-  
kill declared  
a highway,  
and regula-  
ted.

Proviso as  
to persons  
previously  
authorized  
to erect  
dams.

SECT. II. *And be it further enacted by the authority aforesaid, That nothing in this act contained, shall be deemed, taken or understood to prevent any person or persons, possessing lands on the said river, who, before the passing of this act, had authority under the laws of this commonwealth to erect a dam or dams, from erecting any such dam or dams that he or she may think proper: Provided always, That such dam or dams be so constructed and kept in repair, with a proper slope or slopes, and a lock or locks, whereby the navigation of the said river will not be injured, nor the passage of fish prevented.*

Passed 1st March, 1800.—Recorded in Law Book No. VII. page 111.

## CHAPTER MMCHIV.

*An ACT to erect the township of Washington in the county of Franklin, into a separate election district, and to remove the place of holding the annual elections in the district composed of Plum and Versailles townships, in the county of Allegheny.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the township of Washington, in the county of Franklin, shall be a separate election district, to be called the sixth election district, and the electors thereof shall hold their elections at the house now occupied by Michael Coskry, in the town of Waynesburgh.*

The sixth  
election dis-  
trict of  
Franklin  
county.

Place of hold-  
ing elections  
in the dis-  
trict of Plum  
and Ver-  
sailles, Al-  
legheny  
county.

SECT. II. *And be it further enacted by the authority aforesaid, That from and after the passing of this act, the electors composing the district of Plum and Versailles townships, in the county of Allegheny, shall hold their annual elections at the house now occupied by John Thompson, in Plum township, any thing in any former law to the contrary notwithstanding.*

Passed 3d March, 1800.—Recorded in Law Book No. VII. page 116.



## CHAPTER MMCVI.

1800.

An ACT to authorize the corporations of the city of Philadelphia and the district of Southwark, to enrol their public ordinances in the office for recording of deeds in the county of Philadelphia.

SECT. 1. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the corporation of the city of Philadelphia and the district of Southwark, are hereby authorized and directed to enrol their public ordinances in the office for recording of deeds in the county of Philadelphia, under the same restrictions and regulations, and at the same fees and rates as are allowed the Master of Rolls for recording the laws of this commonwealth, as heretofore provided by an act, entitled "An act to incorporate the city of Philadelphia," passed the eleventh day of March, one thousand seven hundred and eighty-nine, and also an act, entitled "An act to incorporate the district of Southwark," passed the eighteenth day of April, one thousand seven hundred and ninety-four, any thing in any former laws to the contrary in any wise notwithstanding.

The ordinances of the corporation, to be enrolled in the recorder's office.

Passed 3d March, 1800.—Recorded in Law Book No. VII. page 118.

## CHAPTER MMCIX.

An ACT to repeal in part, the act entitled "An act to regulate fences, and to encourage the raising of swine." [Vol. 1, pa. 56, vol. 2, pa. 96.]

SECT. 1. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the first day of June next, the act, entitled "An act to regulate fences, and to appoint appraisers in each township in the counties of Bedford, Northumberland, Westmoreland, Washington and Fayette, and to encourage the raising of swine," passed the twenty-seventh day of March, one thousand seven hundred and eighty-four, be, and the same is hereby repealed, so far as the same respects, and is in force in the county of Northumberland, agreeably to the now limits of the said county.

Repeal of the act regulating fences, and encouraging the raising of swine, so far as respects Northumberland.

Passed 7th March, 1800.—Recorded in Law Book No. VII. page 120.

## CHAPTER MMCX.

An ACT to revive and amend an act, entitled "An act to enable the Governor of this commonwealth to incorporate a company for the purpose of promoting the cultivation of vines, and for other purposes therein mentioned." (Ante. pa. 95, chap. 1653, post. chap. 2160.)

SECT. 1. [REVIVAL of a former law relative to the culture of vines. 2. Commissioners to procure subscriptions to the company

1800. for the culture of vines. 3. Provision for annulling the charter of the company.]

Passed 7th March, 1800.—Private Act.—Recorded in Law Book No. VII. page 127.

## CHAPTER MMCXI.

*An ACT to authorize the electors of the district of Southwark, and the electors of the township of the Northern-Liberties, each to choose four inspectors, and the township of Germantown to choose one additional inspector, to serve at the general elections.*

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the electors of the district of Southwark shall choose four inspectors, and the electors of the township of the Northern-Liberties shall choose four inspectors, and the electors of the township of Germantown shall choose one additional inspector, to serve at the general elections, at the same time and places, and in the same manner as is prescribed by the second section of the act, entitled "An act to regulate the general elections within this commonwealth," any thing in that or any former law to the contrary in any wise notwithstanding.*

Passed 7th March, 1800.—Recorded in Law Book No. VII. page 128.

## CHAPTER MMCXII.

*An ACT to incorporate the town of Frankford, in the county of Philadelphia.*

SECT. 1. [FRANKFORD erected into a borough, and its boundaries declared. 2. Of the election of borough officers. 3. Mode of holding and returning the elections. 4. Name to be "The Burgesses and Inhabitants of the borough of Frankford, in the county of Philadelphia," with the usual corporate powers. 5. Power of the corporation to make ordinances; and appoint officers. 6. Provision in case of vacancies in borough officers. Fines and forfeitures, shall be recovered before the Burgesses or any Justice. 7. Of the appointment and authority of regulators. 8. Provision as to party walls. 9. Appeal to the next sessions. 10. Qualification of borough officers. 11. Former officers to act till the new are qualified. 12. The powers of the Supervisors of the highways, Overseers of the poor, and Constables, to be as heretofore, as long as Frankford continues part of Oxford township.]

Passed 7th March, 1800.—Recorded in Law Book No. VII. page 121.

Number of election inspectors to be chosen in Southwark, the Northern-Liberties and Germantown.



## CHAPTER MMCXIV.

1800.

*An ACT to empower the commissioners of Chester county, to sell certain lots of ground belonging to the county, and also to purchase for the use of the county, a lot on the west side of the gaol.*

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* William Rogers, Evan Evans and John Menough, junior, commissioners of Chester county, and their successors in office, are hereby empowered to purchase ground on the west side of the gaol, not exceeding half an acre, in trust for the county, for a gaol yard, and such other public purposes, as the said commissioners shall deem proper; and the said commissioners are further hereby empowered to sell and convey by deed, in fee simple, a lot the property of the county, on the north side of the court-house, prison and prison yard, upon this condition and restriction, that the purchaser, his heirs and assigns, shall erect no buildings of any kind, on or over the side lot, but shall permit the same to remain for ever an open highway; and the said commissioners and their successors in office, are hereby further empowered to sell and convey by deed in fee simple, any other lot or lots heretofore purchased for the use of the county, on which no public buildings are erected; and the money arising from such sale or sales to be applied for the use of the county.

The commissioners of Chester may purchase a lot for public uses;

and sell an other lot on condition.

Passed 12th March, 1800.—Recorded in Law Book No. VII. page 133.

## CHAPTER MMCXV.

*ACT to authorize Christian Bear to erect a mill-dam in Swatara creek, in the county of Dauphin.*

SECT. 1. [CHRISTIAN BEAR permitted to erect a mill-dam across Swatara creek. 2. The dam regulated, and private, and corporate rights saved to the canal company.]

Passed 12th March, 1800.—Recorded in Law Book No. VII. page 153.

## CHAPTER MMCXVI.

*An ACT vesting in the corporation of the city of Philadelphia, for the use of the city, a certain lot of ground therein described.*

WHEREAS by the second section of an act passed the eighth day of April, one thousand seven hundred and eighty-six, entitled "An Act for directing the sale of such of the city lots as remain the property of the state, and for disposing of the house and lots in High-street, in the city of Philadelphia, late the estate of Joseph Galloway, and forfeited to this commonwealth," the Supreme Executive Council were authorized and required to reserve so many of the public lots as shall be at least two hundred feet, and not

1800. more than four hundred feet square, in such part of the city as they may judge most convenient, to be appropriated as a burial ground for the interment of deceased strangers, and such other persons who may not have been in communion with any religious society at the time of their decease: And whereas, in pursuance of the said act, patents dated December the thirteenth, one thousand seven hundred and ninety, were granted for two lots on the south side of Lombard-street; one bounded on the east by Tenth, and on the west by Eleventh-street, which has been appropriated as a burial ground, and is now so full that the corporation have thought proper to prohibit future interments therein; the other bounded on the east by Eleventh and on the west by Twelfth-street, having been previously granted by patent to William Adcock and Christian Ritiz, the corporation could not obtain possession of, and of course could not apply to the purpose intended by the act: For remedy whereof,

A public lot  
vested in the  
corporation  
of Philadel-  
phia.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all the right and title which the commonwealth has in and to the lot bounded on the east by Ninth-street, on the north by Lombard-street, on the west by Tenth-street, and on the south by ground of Barron and Hurst, be, and the same is hereby vested in the corporation of the city of Philadelphia, for the purpose of interring deceased strangers.*

Passed 12th March, 1800.—Recorded in Law Book No. VII. page 134.

## CHAPTER MMCXVII.

[Ante, page  
10.]

A SUPPLEMENT to the act entitled “An Act for establishing a nightly watch, providing lamps, and supporting pumps for public use at a common charge, within a certain part of the township of the Northern Liberties of the city of Philadelphia.”

WHEREAS it has been represented to the Legislature, that the “Act for establishing a nightly watch, providing lamps, and supporting pumps for public use at a common charge, in a certain part of the township of the Northern-Liberties of the city of Philadelphia,” passed the thirteenth day of March, one thousand seven hundred and ninety-one, is insufficient for its purpose, inasmuch as the tax which the commissioners under that act are authorized to impose, does not produce a sum adequate to pay the necessary expenses of the establishment: Therefore,

Tax to be  
laid in the  
Northern  
Liberties.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful for the commissioners appointed under the “Act for establishing a nightly watch, providing lamps, and supporting pumps for public use at a common charge, within a certain part of the township of the Northern-Liberties of the city of Philadelphia,” or a majority of them, to lay a rate or rates in any one year, not exceeding seven shillings and six pence in the hundred pound, on*



the value of the real and personal estates of the freeholders and inhabitants residing within that part of the township of the Northern Liberties of the city of Philadelphia, which lies between the middle of Fourth-street and the river Delaware, and between Vine-street and Peg's run, agreeably to the last assessment for raising county rates and levies, to be applied in conformity to the true intent and meaning of the act aforesaid.

1800.

SECT. II. *And be it further enacted by the authority aforesaid,* That so much of the aforesaid recited act, as is hereby altered and supplied, be, and the same is hereby repealed, and made null and void.

Repeal of  
part of the  
former act.

Passed 12th March, 1800.—Recorded in Law Book No. VII. page 135.

## CHAPTER MMCXVIII.

*An ACT to repeal the act, entitled "An act for the limitation of actions to be brought for the inheritance or possession of real property, or upon penal acts of Assembly, in all cases where title has at any time been claimed under the Susquehanna Company, or the state of Connecticut."*

[Vol. 2, page  
299.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the act of the General Assembly, passed the twenty-sixth day of March, one thousand seven hundred and eighty-five, entitled "An Act for the limitation of actions to be brought for the inheritance or possession of real property, or upon penal acts of Assembly," be, and the same is hereby repealed, and rendered null and void, and declared to have no force or effect within what is called the seventeen townships, in the county of Luzerne, nor in any case where title is, or has at any time, been claimed under what is called the Susquehanna Company, or in any way under the state of Connecticut, for any lands or possessions within this commonwealth.

Repeal of the  
limitation  
act so far as  
respects the  
seventeen  
townships,  
&c. in Lu-  
zerne coun-  
ty.

Passed 11th March, 1800.—Recorded in Law Book No. VII. page 163.

## CHAPTER MMCXIX.

*An ACT to erect certain parts of Allegheny, Westmoreland, Washington and Lycoming counties, into separate counties.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That those parts of the counties of Allegheny and Washington, included within the following boundaries, viz. Beginning at the mouth of Big Sewickly creek on the Ohio river; thence up the said creek to the west line of Alexander's district of depreciation lands; thence northerly along the said line and continuing the same course to the north line of the first donation district; thence westerly along the said line to the western boundary of the state; thence southerly

Boundaries  
of Beaver  
county.

1800.

along the said boundary across the Ohio river to a point in the said boundary, from which a line to be run at a right angle easterly will strike White's mill on Racoon creek, and from such point along the said easterly line to the said mill, leaving the said mill in the county of Beaver, thence on a straight line to the mouth of Big Sewickly creek, the place of beginning; be, and the same is hereby erected into a separate county, to be henceforth called Beaver county; and the place of holding the courts of justice shall be at Beaver-town, in the said county. And the Governor shall and he is hereby empowered to appoint three commissioners, any two of which shall run and ascertain and plainly mark the boundary lines of the said county of Beaver, and shall receive as a full compensation for their services therein, the sum of two dollars for every mile so run and marked, to be paid out of the monies which shall be raised for the county uses, within the county of Beaver.

Seat of justice.  
The lines to be run by commissioners.

The boundaries of Butler county.

SECT. II. *And be it further enacted by the authority aforesaid,* That all that part of Allegheny county, included within the following lines, viz. Beginning at the mouth of Buffaloe creek on the Allegheny river: thence by a line running due west until it strikes the line of Beaver county; thence north by the line of said county to the north-east corner of said county; thence by a line north thirty-five degrees east fourteen miles; thence by a line running due east, continuing said course to where a line running due north from the mouth of Buffaloe creek the place of beginning, will intersect said line, unless the last mentioned line should first strike the Allegheny river, then and in that case to run down said river along the several courses thereof, until it will intersect said line; thence by said line to the place of beginning, be, and the same is hereby erected into a separate county, to be henceforth called Butler county; and the place of holding the courts of justice in and for said county, shall be fixed by the Legislature at any place at a distance not greater than four miles from the centre of the said county, which may be most beneficial and convenient for the said county. And the Governor shall be, and he is hereby empowered to appoint three commissioners, any two of which shall run and ascertain and plainly mark the boundary lines of the said county of Butler, and shall receive as a full compensation for their services, the sum of two dollars for every mile so run and marked, to be paid out of the monies which shall be raised for the county uses, within the county of Butler.

Seat of justice.

The lines to be run by commissioners.

The boundaries of Mercer county.

SECT. III. *And be it further enacted by the authority aforesaid,* That all that part of Allegheny county, which shall be included within the following boundaries, viz. Beginning at the north-east corner of the county of Beaver, thence north-eastwardly along the line of the county of Butler, to the corner of the said county of Butler, and of the county of Venango, herein after described; thence northerly on a line parallel to the Western boundary of the state, to the north line of the fifth donation district; thence at a right angle along said line westwardly, to the western boundary of the state; thence southerly along the said boundary, to the north-west corner of the county of Beaver; thence easterly along the north boundary of the county of Beaver, to the place of beginning, be, and the same is hereby erected into a separate county, to be henceforth called Mercer county; and the place of holding the



courts of Justice in and for the said county, shall be fixed by the Legislature at any place at a distance not greater than five miles from the centre of the said county, which may be most beneficial and convenient for the said county. And the Governor shall, and he is hereby empowered to appoint three commissioners, any two of which shall run and ascertain and plainly mark the boundary lines of the said county of Mercer, and shall receive as a full compensation for their services therein, the sum of two dollars for every mile so run and marked, to be paid out of the monies which shall be raised for the county uses, within the county of Mercer.

1800.

Seat of Justice

The lines to be run by commissioners.

SECT. IV. *And be it further enacted by the authority aforesaid,* That all that part of Allegheny county, which shall be included within the following boundaries, viz. Beginning at the north-east corner of Mercer county; thence upon a course north forty-five degrees east, till it intersects the north line of the sixth donation district; thence eastwardly along the said line ten miles; thence at a right angle to the said line northerly to the north line of the eighth donation district; thence westwardly along the said line to the western boundary of the state; thence southerly along the said boundary to the north-west corner of Mercer county; thence eastwardly along the north line of Mercer county, to the place of beginning, be, and the same is hereby erected into a separate county, to be henceforth called Crawford county, and the place of holding the courts of justice in and for the said county, shall be at Meadville; provided the inhabitants or proprietors of Meadville and its vicinity, subscribe and secure the payment of four thousand dollars to the trustees of the county, either in specie, or land at a reasonable valuation, within four months of the passing of this act, for the use of a seminary of learning within said county; and in case of neglect or refusal, the trustees shall, and they are hereby authorized to fix on the seat of justice, at any place within four miles of Meadville. And the Governor shall, and he is hereby empowered to appoint three commissioners, any two of which shall run and ascertain and plainly mark the boundary lines of the said county of Crawford, and shall receive as a full compensation for their services therein, the sum of two dollars for every mile so run and marked, to be paid out of the monies which shall be raised for the county uses, within the county of Crawford.

Seat of justice.

The lines to be run by commissioners.

SECT. V. *And be it further enacted by the authority aforesaid,* That all that part of Allegheny county, which shall be included in the following boundaries, viz. beginning at the north-east corner of Crawford county; thence at a right angle with the north boundary of the same northerly till it shall intersect the line of the state of New-York; thence westwardly along the said line to the south-west corner of the said state; thence northerly by the line of the said state into Lake Erie; thence south-westwardly by the said Lake, including so much thereof as is within the jurisdiction of Pennsylvania, until it shall intersect the aforesaid western boundary of the state; thence southerly by the said boundary to the north-west corner of Crawford county; thence along the north line of the said county to the place of beginning, be, and the same is hereby erected into a separate county, to be henceforth called Erie county; and

The boundaries of Erie county.

1800. the place of holding the courts of justice, in and for the said county, shall be at the town of Erie.

Seat of justice.  
The boundaries of Warren county.

SECT. VI. *And be it further enacted by the authority aforesaid,* That so much of the counties of Allegheny and Lycoming, as shall be included within the following boundaries, viz. Beginning at the south-east corner of Crawford county, in the north line of the sixth donation district; thence the course of the said line eastwardly across the Allegheny river, until it shall intersect the line dividing Johnston's and Potter's districts, in the county of Lycoming; thence northerly along the said line to the line of the state of New-York; thence westwardly along the line of the said state, to the corner of Erie county; thence southerly by the eastern boundaries of the counties of Erie and Crawford, to the place of beginning, be, and the same is hereby erected into a separate county, to be henceforth called Warren county; and the place of holding the courts of justice within the said county, shall be at the town of Warren, in the said county. And the Governor shall, and he is hereby empowered to appoint three commissioners, any two of which shall run and ascertain and plainly mark the boundary lines of the said county of Warren, and shall receive as a full compensation for their services therein, the sum of two dollars for every mile so run and marked, to be paid out of the monies which shall be raised for the county uses, within the county Warren.

Seat of justice.

The lines to be run by commissioners.

The boundaries to be run by Venango county.

SECT. VII. *And be it further enacted by the authority aforesaid,* That so much of the counties of Allegheny and Lycoming, as shall be included within the following boundaries, viz. Beginning at the north-east corner of Mercer county; thence on the first line or course of Crawford county, until it shall intersect the north line of the sixth donation district, being the same as the first line of the said county of Crawford; thence eastwardly upon the said line of the sixth donation district, along the boundary of the counties of Crawford and Warren, and crossing the river Allegheny to the line dividing Wood's and Hamilton's districts, in the county of Lycoming; thence southerly along the said line to Toby's creek; thence down the said creek to the river Allegheny; thence across the said river, and upon the line of Armstrong county hereinafter described, to the north-east corner of the county of Butler; thence westwardly by the north line of the said county to the corner of Mercer county; thence northerly along the line of Mercer county to the place of beginning, be, and the same is hereby erected into a separate county, to be henceforth called Venango county; and the place of holding the courts of justice in and for the said county, shall be at the town of Franklin, in the said county. And the Governor shall, and he is hereby empowered to appoint three commissioners, any two of which shall run and ascertain and plainly mark the boundary lines of the said county of Venango, and shall receive as a full compensation for their services therein, the sum of two dollars for every mile so run and marked, to be paid out of the monies which shall be raised for the county uses, within the county of Venango.

Seat of justice.  
Venango county.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That so much of the counties of Allegheny, Lycoming and West-



moreland, as shall be included within the following boundaries, viz. 1800.

Beginning on the Allegheny river, at the mouth of Buffaloe creek, the corner of Butler county; thence northerly along the line of the said county of Butler, to the north-east corner of the same, supposed, to be at the Allegheny river, and if the north-east corner of the said county of Butler shall not strike the Allegheny river, then from the said corner on a line at a right angle from the first line of the county of Butler, until the said line shall strike the Allegheny river; thence by the western margin of the said river to the mouth of Toby's creek; thence crossing the river and up the said creek to the line dividing Woods and Hamilton's districts; thence southerly along the said line to the present line of Westmoreland county; thence south thirty-five degrees west to the Kiskiminitas river; thence down the said river to the mouth thereof on the Allegheny river; thence across the said river to the westwardly margin thereof; thence down the said river to the mouth of Buffaloe creek, the corner of Butler county, the place of beginning, be, and the same is hereby erected into a separate county, to be henceforth called Armstrong county; and the place of holding the courts of justice, in and for the said county, shall be fixed by the Legislature on the Allegheny river, at any place at a distance not greater than five miles from the Old Kitanning town, which may be most beneficial and convenient for the same. And the Governor shall, and he is hereby empowered to appoint three commissioners, any two of which shall run, ascertain and plainly mark the boundary lines of the said county of Armstrong, and shall receive as a full compensation for their services therein, the sum of two dollars for every mile so run and marked, to be paid out of the monies which shall be raised for the county uses, within the county of Armstrong. And for the present convenience of the inhabitants of the said county of Armstrong, until an enumeration of the taxable inhabitants of the said county shall be made, and it shall be otherwise directed by law, the said county of Armstrong shall be, and the same is hereby annexed to the county of Westmoreland; and the jurisdiction of the several courts of the county of Westmoreland, and the authority of the Judges thereof, shall extend over, and shall operate and be effectual within the said county of Armstrong. And that part of Armstrong county westwardly of the Allegheny river, shall form an election district; and the inhabitants thereof shall hold their elections at a house now occupied by John Smith, Esquire. And the inhabitants of that part of the county of Butler, within Elder's district of depreciation lands, who heretofore held their elections at the town of Freeport, shall be annexed to the district known by the name of M'Clure's district, and vote with the inhabitants thereof, at the house now occupied by Andrew M'Clure. And the inhabitants of that part of Butler county, included in any of the donation districts who heretofore held their elections at the town of Freeport, shall be annexed to what is called Buchannan's district, and vote with the inhabitants thereof.

The boundaries of Armstrong county.

Seat of justice.

The lines to be run by commissioners.

Armstrong annexed to Westmoreland county.

Election district in Armstrong county.

Election districts in Butler county.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the commissioners to be appointed in conformity to this act to run, ascertain and mark the boundary lines of the counties contain-

The boundaries of the several counties to be run on or before

1800.

the fifteenth  
June.  
Returns of  
the taxable  
inhabitants  
in each coun-  
ty.

Beaver and  
Butler re-  
main with  
the county of  
Allegheny.

Crawford,  
Mercer, Ve-  
nango, War-  
ren and Erie,  
form one  
county called  
Crawford  
county, with  
all county  
privileges.

County offi-  
cers.

[Altered by  
subsequent  
laws.]

Judicial pow-  
er in Craw-  
ford county.

Continuance  
of all process  
depending in  
the several  
counties.

Apportion-  
ment of re-  
presentation  
in the Legis-  
lature for Al-  
legheny, Bea-  
ver, Butler,  
Mercer,

ed in this act, are hereby enjoined and required to run and mark the boundary lines of said counties, on or before the fifteenth day of June next. And the assistants to be appointed by the commissioners to take the enumeration of the taxable inhabitants, included in the bounds in any of the counties aforesaid, shall make a separate and accurate return of all the taxable inhabitants, included in the bounds of each county, agreeably to law. And for the present convenience of the inhabitants, until an enumeration of the taxable inhabitants within the aforesaid counties respectively shall be made, and it shall be otherwise directed by law, the counties of Beaver and Butler shall remain with the county of Allegheny, and be a part thereof as heretofore; and the authority of the Judges thereof shall continue over the same. And the counties of Crawford, Mercer, Venango, Warren and Erie, shall form one county; under the name of Crawford county; and the inhabitants thereof shall enjoy all and singular the jurisdictions, powers, rights, liberties and privileges whatsoever, within the same, which the inhabitants of other counties of this state do, may, or ought to enjoy within their respective counties, and under the same rules, laws and regulations, shall, at the ensuing general and other elections, elect such officers as they by law and the constitution are entitled to; and the Sheriffs, Treasurers and all such officers as have heretofore usually given bail for the faithful discharge of their respective offices, who may hereafter be elected or appointed in the said county of Crawford, before they or either of them shall enter upon the execution of their respective offices, shall give sufficient security in the like sums, in the like manner and form, and for the like uses, trusts and purposes as such officers are obliged by law for the time being, to do in the county of Allegheny.

SECT. X. *And be it further enacted by the authority aforesaid,* That the Judges of the Supreme Court, and the President of the fifth district, of which district the said county of Crawford is hereby declared to be part, as well as the Associate Judges who shall be commissioned in and for the county of Crawford, shall have like powers, jurisdictions and authorities, within the same, as are warranted to, and exercised by the Judges in other counties, by the constitution and laws of this state.

SECT. XI. *And be it further enacted by the authority aforesaid,* That no action or suit now commenced, or that may be commenced before the first day of June next, within any of the counties of Westmoreland, Washington, Allegheny or Lycoming, against any person or persons living or residing within their present respective bounds, and which by this act are made part of any of the before described counties, shall be stayed, discontinued or affected by this act, or any thing herein contained, but the same may be prosecuted to judgment and execution, with the like effect and in the same manner, as if this act had not passed.

SECT. XII. *And be it further enacted by the authority aforesaid,* That until an enumeration of the taxable inhabitants shall be made within the before described counties respectively, and it shall be otherwise directed by law, the inhabitants of the counties of Allegheny, Beaver, Butler, Mercer, Crawford, Erie, Warren and Venan-



go, shall jointly elect two representatives, to serve in the House of Representatives of this state, in the same manner, and under the same regulations as is directed by the existing laws of this state, for conducting and making return of the election of Allegheny. And the said counties, together with the counties of Washington and Greene, shall continue to be a district for the election of senators as heretofore; and the inhabitants of the county of Armstrong, shall jointly with the county of Westmoreland, elect three representatives, and be also annexed to the same district as the said county of Westmoreland for the election of state senators, and representatives in Congress. And that part of Washington county which by this act is annexed to the county of Beaver, shall for the present, and until it shall be otherwise directed by law, be annexed to, and is hereby declared to be part of Allegheny county, and be subject to the jurisdiction of the several courts of the said county of Allegheny. And the inhabitants included within the following bounds, viz. Beginning at the south branch of Tomlinson's run, on the state line; thence by a straight line to Parkinson's, on the road from Georgetown to White's mill; thence by a straight line to the Ohio river, opposite to the mouth of Wolf run; thence across said river up Wolf run, to the head of the north-west branch thereof; thence by a straight line to Ruel Reed's; thence west to the state line; thence by said line to the beginning, shall be a separate election district; and the electors thereof shall hold their elections at the house now occupied by Samuel Lyon, in George-town: and the inhabitants of that part formerly Washington, now Beaver county, not included in the aforesaid district, shall be annexed to the election district which is held at the house of Samuel Wilson. And the inhabitants of such parts of the counties of Beaver and Mercer, as are comprehended within the first and second districts of donation lands, shall be a separate election district, and hold their elections at the house now occupied by John Elliot; and the inhabitants of that part of Mercer county, as are comprehended within the third, fourth and fifth districts of donation lands shall be a separate election district, and hold their elections at the house now occupied by Benjamin Stokely, in the said district, any thing in any former law to the contrary notwithstanding.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That as soon as it shall appear by an enumeration of the taxable inhabitants within the counties of Beaver, Butler, Mercer, Crawford, Erie, Warren, Venango and Armstrong, that any of the said counties, according to the ratio which shall then be established for apportioning the representation among the several counties of this commonwealth, shall be entitled to a separate representation, provision shall be made by law for apportioning the said representation, and enabling such county to be represented separately, and to hold the courts of justice at such place in the said county, as is or hereafter may be fixed for holding the same by the Legislature, and to choose their county officers in like manner as in the other counties of this commonwealth: *Provided nevertheless,* That if all the counties at present composing the county of Crawford, shall, upon such enumeration appear to be entitled to choose one or more represen-

1800.

Crawford,  
Erie, War-  
ren and Ve-  
nango;

of senators  
for the same  
counties  
with Wash-  
ington and  
Greene;  
for Arm-  
strong with  
Westmore-  
land;  
senators and  
representa-  
tives in Con-  
gress.

Part of Bea-  
ver annexed  
to Allegheny  
county.

Election dis-  
tricts.

Beaver.

Beaver and  
Mercer.

Mercer.

When the  
several new  
counties shall  
be represent-  
ed separate-  
ly.

Provide as to  
Crawford  
county.

1800,

tatives, then and in that case provision shall be made by law apportioning the representation, and allowing the said county of Crawford to be represented separately from the county of Allegheny, notwithstanding any one of the said counties now composing the county of Crawford, may not be entitled to a separate representation.

A lot to be purchased for public uses in Crawford county.

Expense, how defrayed.

Trustees for Crawford.

Trustees for Beaver.

Trustees for Erie.

Trustees for Warren.

Trustees for Venango.

Trustees for Butler.

Trustees for Mercer.

Trustees for Armstrong.

Their duties and powers.

Provision as to lines already run

SECT. XIV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the county commissioners of the county of Crawford, who shall be elected at the next annual election, to take assurance to them and their successors in office, of such lot or piece of ground as shall be approved of by them, for the purpose of erecting thereon a court-house, gaol and offices for the safe keeping of the records; and that for defraying the expenses thereof, the county commissioners shall assess and levy, in the manner directed by the act for raising county rates and levies, a sum not exceeding five thousand dollars in any three years; and David Meade, Frederick Hamaker and James Gibson, are hereby appointed trustees for the said county of Crawford, with full authority for them or a majority of them, to purchase, or take and receive by grant, bargain or otherwise, all such assurances for the payment of money and grants of land, or other property, that may be offered to them, or the survivors or survivor of them, in trust for the use and benefit of said county, and to sell and convey such part thereof, either in town lots or otherwise, as to them or a majority of them shall appear advantageous and proper, and to vest one moiety of the neat proceeds thereof in some productive property, to be a fund for the support of an academy or public school, at the county town in the said county, and to apply the other moiety thereof in aid of the county rates and levies, for the purpose of erecting the public buildings aforesaid. And Jonathan Coulter, Joseph Hemphill and Denby McLure, are hereby appointed trustees for the county of Beaver; and Judah Colt, Thomas Rees and John D. Hay, for the county of Erie; and William Miles, Thomas Miles and John Andrews, for the county of Warren; and George Fowler, Alexander McDowell and James McClaron, for the county of Venango, with like powers and authorities, and for the same trusts and purposes, within their counties respectively; and Adiel McLure, James Amberson and William Elliott, are hereby appointed trustees for the county of Butler; and Benjamin Stokely, William McMillan and John Williamson, for the county of Mercer; and John Craig, James Sloan and James Barr, for the county of Armstrong, who shall receive proposals in writing, from any person or persons, or any bodies corporate or politic, for the grant or conveyance of any lands within the said counties respectively, and within the limits of this act, for fixing the place of holding courts of justice in the said counties respectively; and when the place for holding the courts of justice in the said counties respectively, shall be fixed by the Legislature, to take assurance in the law for the lands contained in any such proposal, which shall or may be accepted of, under the same trusts, and for the same uses and benefits within the said counties respectively, as are before declared with respect to the county of Crawford.

SECT. XV. *And be it further enacted by the authority aforesaid,* That whenever the boundary lines of any of the said counties shall



be the boundary lines of the State, the said lines being already 1800. known and established, the same shall not be run by any of the commissioners appointed by this act; and when any line shall be run and ascertained, and marked by any of the commissioners, which shall be the dividing line between two counties, the said line shall not be run a second time, but the commissioners who shall first attend and perform the said service, shall be entitled to the compensation therefor, which shall in such cases be paid equally by the counties separated by the said line, unless it should happen to be a line of Washington, Allegheny, Westmoreland or Lycoming.

and ascertained, forming the boundary of any new county.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That the commissioners of the county of Allegheny, shall have power, and are hereby authorized to assess and levy county rates and levies, for county uses and purposes, in the counties of Beaver and Butler; and the commissioners of Crawford shall have power, and are hereby authorized to assess and levy county rates and levies, for county uses and purposes, in the counties of Mercer, Erie, Warren and Venango; and the commissioners of Westmoreland shall have power, and are hereby authorized to assess and levy county rates and levies, for county uses and purposes, in the county of Armstrong; and the said commissioners and treasurers of the counties of Allegheny, Westmoreland and Crawford, respectively, shall open an account for each county from which such rates and levies shall be raised and collected, and shall respectively pay out of the monies raised and collected in each county respectively, all the expenses of assessing, levying and collecting the same therein, together with the expenses of running the boundary lines, and the expenses of ignoramus bills, and other costs of prosecution chargeable to the county, which shall be exhibited against persons residing and inhabiting the said counties respectively; and also, all rewards for wolf-scalps, and animals of prey, for which a reward is or shall be given by law, destroyed in the said counties respectively; and that the remainder or surplus thereof, shall be applied to and for the use of the county in which the same shall be raised. That all the county taxes which have or shall be assessed for the current year by the commissioners of Allegheny county, in that part now struck off, and included within the lines of the several counties now formed, shall be and remain for the use of the county in which such sum is or shall be assessed.

County rates and levies for Beaver and Butler:

for Mercer, Erie, Warren and Venango:

for Armstrong.

Accounts how kept, and monies applied.

Existing assessments in Allegheny.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That the Governor is hereby empowered to direct the Surveyor-General, to cause to be laid off by actual survey, out of the reserved tract adjoining the town of Beaver, the quantity of five hundred acres of land, for the use of such school or academy, as may hereafter be established by law in the town of Beaver, which survey shall be returned to the office of the Surveyor-General, and a patent shall thereupon issue to the trustees of the county of Beaver and their successors, for the said quantity of five hundred acres, so surveyed and laid off for the use and trust aforesaid, (t)

A tract of land in Beaver to be laid off for the use of an academy.

Passed 12th March, 1800 — Recorded in Law Book No. VII. page 137.

1. Beaver County.

See (chap. 1539,) ante, page 56, and the notes subjoined thereto.

Annexation to Beaver town district, 27th February, 1801, (chap. 2202.)

By act of 13th January, 1803, (chap.

1800.

2299.) Two new election districts are established and a certain part of the county annexed to the Beaver town district; and a certain other part, annexed to the George town district. But the place of holding the elections in the George town district is altered by act of 4th April, 1805, (chap. 2599, § 19.)

The county of Beaver was organized for judicial purposes, by act of 2d April, 1803, (chap. 2380.)

The commissioners were authorized, by act of 2d March, 1805, to collect the arrearages of taxes, remaining unpaid at the time of its organization, (chap. 2543.)

A certain part of the county, on the Ohio, annexed to the Beaver town district, by act of 31st March, 1806, (chap. 2715, § 16.)

The place of holding elections in Slippery Rock township changed, by act of 11th April, 1807, (chap. 2856, § 7.)

A new district erected, beginning at the western boundary of the state, &c. by act of 4th April, 1809.

North Beaver township erected into a separate district; parts of Big and Little Beaver townships, annexed to Greensburgh district; and another district, beginning at the Ohio state line, established, by act of 20th March, 1810. (§ 12.)

Another district, beginning at the six mile run, on the Ohio river, &c. established, by act of 1st April, 1811, (§ 7.)

By the last enumeration, the county of Beaver contained one thousand nine hundred and thirty-seven taxables. Butler one thousand four hundred and forty-four taxables, and Allegheny four thousand and twenty-four taxables; total, seven thousand four hundred and five taxables, and by act of 21st March, 1808, apportioning the representation in pursuance thereof, these three counties jointly send two members to the Senate; Beaver, one member, and Allegheny and Butler, four members to the House of Representatives.

By the Judiciary act of 24th February, 1806, the counties of Beaver, Allegheny, Washington, Fayette and Greene, compose the fifth judicial district. The courts in Beaver are held on the first Mondays of January, August and November, and the last Monday in March; the term continues one week.

Beaver county is attached to the western district of the Supreme Court.

#### 2. Butler County.

By act of 8th March, 1803, (chap. 2331,) trustees are appointed, to cause to be surveyed three hundred acres of land, for the use of the county, on the north side of Conequenessing creek, near

Cunningham's mill; to lay out a lot, &c. for the public buildings, and the residue into town and out lots. The town to be called "*Butler*," to sell the town and out lots by auction, &c. first having obtained deeds for the land in fee simple, in trust, &c. and recorded in Allegheny county, and then to convey to the purchasers. Within two years after the county shall be organized, the trustees shall surrender their trust to the commissioners of the county, settle their accounts, and pay over the monies, &c. and to be compensated by the commissioners for their services. A return of the survey to be filed in the recorder's office of Allegheny county, &c. and so much of the act in the text, as authorizes the commissioners therein named to be trustees for the county, is repealed.

By act of 3d April, 1804, (chap. 2507, § 11-12-13-14,) the second, fifth and sixth districts, and Middlesex and part of Buffaloe townships (another district) are established.

The county was organized for judicial purposes, by act of 2d April, 1803, (chap. 2380.)

The commissioners were authorized by act of 2d March, 1805, (chap. 2543,) to collect the arrearages of taxes remaining unpaid at the time of its organization.

Place of holding elections in the first district changed, Buffaloe township; Middlesex; and Conequenessing and Muddy creek townships, erected into separate election districts, by act of 31st March, 1806, (chap. 2715, § 18-19-20.)

Place of election fixed for Butler and Centre townships, by act of 11th April, 1807, (chap. 2856, § 11.)

The electors of Butler, Centre, Donegal and Clearfield townships, to vote at the town of Butler, by act of 20th March, 1810, (§ 27.)

For the population and representation of Butler county, see *Beaver county*, above.

By the judiciary act of 24th February, 1806, the counties of Mercer, Butler, Venango, Crawford and Erie compose the sixth judicial district. The courts in Butler are held on the first Mondays in March, June, September and December; the term continues one week.

Butler county is attached to the western district of the Supreme Court.

#### 3. Mercer County.

The seventh and eighth districts established, and transfer of elections from Elliott's to Stokely's, by act of 27th February, 1801, (chap. 2202.)

Six election districts established by act of 12th March, 1802, (chap. 2244.)



By act of 24th March, 1803, (chap. 2343,) trustees are appointed, to survey two hundred acres of land on the west side of Otter creek, &c. to lay out lots for the public buildings, and the residue into town and out lots, the town to be called "Mercer." To sell the out lots at auction, and transmit a plot of the town to the office of the secretary of the commonwealth, and with the proceeds of sale to erect the public buildings, &c. first receiving deeds in fee simple, for the land, in trust, &c. and have the same recorded in Crawford county, and then to make conveyances to the purchasers, &c. Trustees within two years after the county shall be organized, to surrender their trust to the commissioners of the county, who shall compensate them for their services. The trustees to file a report of their proceedings in the recorder's office of Crawford county, and so much of the act in the text, as authorizes the commissioners therein named to be trustees of the county, is repealed.

The county of Mercer was organized for judicial purposes, by act of 2d April, 1803, (chap. 2380.)

By act of 4th April, 1805, (chap. 2599, § 24-25-26-27.) The townships of Cool Spring, Delaware, Lackawanic, Springfield and Mercer; Sandylake township; Wolf creek township; and Slippery Rock township, are erected into four separate districts

Mahoning, Neshanock and Shenango townships erected into three separate districts, by act of 11th April, 1807, (chap. 2856, § 40-41-42.)

Pymatuning township erected into a separate district, by act of 28th March, 1808, (chap. 2972, § 60.)

The place of holding elections in Sandylake, Wolf creek and Mahoning townships, changed, by act of 20th March, 1810, (§ 14-15-30.)

The line between Mercer and Crawford counties altered, (chap. 2996.)

By the last enumeration, the county of Mercer contained one thousand six hundred and twenty-three taxables, and Venango seven hundred and eighty-two taxables, total, two thousand four hundred and five taxables, which counties jointly send two members to the House of Representatives; and with the counties of Erie, Crawford and Warren one member to the Senate, by act of 21st March, 1808.

For the courts see "Butler county," above. The court is held in Mercer on the second Mondays in March, June, September and December. The term continues one week.

Mercer county is attached to the western district of the Supreme court.

#### 4. Crawford County.

A public seminary of learning established at Meadville, by act of 22d April, 1802, (chap. 2278,) Trustees appointed, 4th April, 1805, (chap. 2608.)

Parts of Crawford and Venango counties erected into a separate election district, by act of 21st February 1801, (chap. 2177.)

Rockdale township, erected into a separate district, by act of 11th February, 1803, (chap. 2316.)

Four election districts established by act of 4th April, 1803, (chap. 2382.)

Electors of Meade township, to vote at Meadeville; and Venango township erected into a separate district, by act of 4th April, 1805, (chap. 2599, § 1-14.)

A new district erected; part of Sadsbury township annexed to Meade district; and part of Meade township annexed to Hennington district, by act of 31st March, 1806, (chap. 2715, § 27-28-29.)

Sadsbury township erected into a separate district, by act of 11th April, 1807, (chap. 2856, § 39.)

Wayne, Fairfield and part of Fallowfield townships, erected into a separate district by act of 4th April, 1809, (§ 8.)

The places of holding elections fixed for Oil creek township, Sadsbury township and Wayne township, by act of 20th March, 1810, (§ 18-19-22.)

Court-house and public buildings to be erected at Meadeville, on the public square, act of 5th March, 1804, (chap. 2431.)

Part of the line between Crawford and Mercer counties altered, by act of 28th March, 1808, (chap. 2996.)

By the last enumeration the county of Crawford contained one thousand two hundred and sixteen taxables, Erie nine hundred and fourteen, Warren (no return,) and by act of 21st March, 1808, apportioning the representation in pursuance thereof, Crawford, Erie and Warren, send two members to the House of Representatives, and with Mercer and Venango, one member to the Senate.

By the judiciary act of 24th February, 1806, Butler, Mercer, Venango, Crawford and Erie, compose the sixth judicial district. The courts are held in Crawford on the fourth Mondays in March, June, September and December. The term continues one week.

Crawford county is attached to the western district of the Supreme Court.

#### 5. Erie County.

Part of Greenfield township erected into a separate election district. Act of 22d January, 1803, (chap. 2303, obsolete.)

The county of Erie organized for ju-

1800.

1800.

dicial purposes, by act of 2d April, 1803, (chap. 2380.)

The town of Erie erected into a borough, &c. by act of 29th March, 1805, (chap. 2577.)

Original boundary of M'Kean township, erected into a separate district, by act of 4th April, 1805, (chap. 2599, § 12,) (obsolete.)

The election districts arranged, and ten districts established, by act of 11th April, 1807, (chap. 2856, § 15.)

The place of holding elections fixed for the third and tenth districts; and Venango township erected into the eleventh district, by act of 28th March, 1808, (chap. 2972, § 11-12-18.)

The second district divided, and M'Kean township to be the second district, and Conneotte to be the twelfth district. The seventh district also divided, and Harbour creek to be the seventh district, and Beaver dam township to be the thirteenth district, by act of 4th April, 1809, (§ 9-10-11 12.)

The place of holding elections in the eighth district changed; and the thirteenth district repealed, and annexed to the sixth district, electing at Waterford. Act of 20th March, 1810, (§13-28.)

Two thousand dollars granted for the erection of public buildings in Erie, by act of 16th March, 1807, (chap. 2772.)

An academy founded and endowed at Erie, by act of 2d April, 1811.

For the population and representation, and also with respect to the judiciary, see the note to *Crawford county*, (*supra.*) The courts are held the Mondays after the courts in Crawford. The term continues one week.

Erie is annexed to the western district of the Supreme Court.

See title "*Erie county*," in the General Index.

#### 6. Warren County.

Warren county erected into an election district, by act of 21st Feb'y, 1801, (chap. 2177.)

Warren county annexed to Venango county for judicial purposes, by act of 1st April, 1805, (chap. 2588,) and forms part of the sixth judicial district. The county not yet being separately organized.

Part of M'Dowell's district, Warren county, annexed to North Irwin election district, Venango county, by act of 4th April, 1805, (chap. 2599.)

Conewango township erected into a separate district, by act of 28th March, 1808, (chap. 2972, § 33.)

For the representation, see *Crawford* (*supra.*) See title "*Warren county*," in the General Index.

#### 7. Venango County.

Part of Crawford and Venango coun-

ties erected into a separate election district, by act of 21st Feb'y, 1801, (chap. 2177.)

Part of South Irwin township erected into a separate district, by act of 2d April, 1803, (chap. 2381.)

North Irwin district erected, by act of 3d April, 1804, (chap. 2507, § 5.)

Venango county organized for judicial purposes by act of 1st April, 1805, (chap. 2588.)

Part of M'Dowell's district, Warren county annexed to North Irwin district, by act of 4th April, 1805, (chap. 2599.)

Fifteen hundred dollars granted for the erection of the public buildings, by act of 28th March, 1806, (chap. 2707.)

The site of the Court-house fixed, in the town of Franklin, by act of 26th March, 1808, (chap. 2952.)

The place of election in Irwin township changed, by act of 11th April, 1807, (chap. 2856, § 36.)

Richland township erected into a separate district, by act of 28th March, 1808, (chap. 2972, § 34.)

Irwin and Scrubgrass townships erected into a separate district; and part of Sandy creek township to vote at the town of Franklin. Act of 4th April, 1809, § 31.

For the population and representation, see note to "*Mercer county*," (*supra.*)

For the judiciary, see notes to "*Crawford county*," (*supra.*) The courts in Venango are held on the third Mondays in March, June, September and December. The term continues one week.

Venango is attached to the western district of the Supreme Court.

See titles "*Venango*," and "*Franklin town*," in the General Index.

#### 8. Armstrong County.

Commissioners appointed to fix the places for the seat of Justice in Armstrong, Butler and Mercer counties, &c. by act of 6th April, 1802, (chap. 2285.)

By act of 4th April, 1803. Trustees are appointed to survey one hundred and fifty acres of land, part of the Kittanning tract, for the use of the county; to lay out lots for the public buildings; and the residue in town and out lots; the town to be called "*Kittanning*;" the trustees to sell the lots at public auction, and transmit a draft of the town to the office of the Secretary of the commonwealth; and having first obtained deeds in fee simple, in trust, for the land, &c. and recorded the same in Westmoreland county, to make conveyances to the purchasers. Within two years after the county shall be organized, the trustees shall surrender



their trusts to the commissioners of the county, and pay them the monies remaining in their hands: before the county was organized, the court of Westmoreland had power to appoint auditors to settle the accounts of the trustees. Trustees to be compensated for their services by the commissioners, &c. a return of the survey to be filed in the recorder's office of Westmoreland county; and so much of the act in the text as authorizes the commissioners therein named, to be trustees for the county of Armstrong, is repealed.

Armstrong county organized for judicial purposes, by act of 2d March, 1805, (chap. 2541.)

Allegheny township, erected into a separate election district, by act of 29th March, 1802, (chap. 2257.)

Place of holding elections in Buffalo township changed, by act of 7th Feb'y, 1803, (chap. 2310.)

Toby township erected into a separate district, by act of 3d April, 1804, (chap. 2507, § 7,) erected a second time into a separate district and place of holding elections therein changed; and Kittanning township; Buffalo township; Sugar creek township; Allegheny township a second time; and Redbank township, erected into separate districts, by act of 11th April, 1807, (chap. 2856,) § 1-2-3-4-5-6.

Plum creek township erected into a separate district; and the places of holding elections in Redbank and Allegheny townships changed, by act of 20th March, 1810, § 9-10-11.

Actions for trespass on, and ejectments for lands in Armstrong county, commenced in Allegheny county, prior to the 1st Monday in November, 1805; to be transferred to Armstrong county, &c. by act of 26th March, 1808, (chap. 2949.)

By the last enumeration, the county of Armstrong contained nine hundred and sixteen taxables; and Jefferson and Indiana one thousand one hundred and twenty-three taxables; total, two thousand and thirty-nine; and by the act of 21st March, 1808, apportioning the representation in pursuance thereof, these three counties send one member to the House of Representatives, and in conjunction with the county of Westmoreland, one member to the Senate.

By the judiciary act of 24th Feb'y, 1806. The counties of Somerset, Cambria, Indiana, Armstrong and Westmoreland, compose the tenth judicial district. The courts in Armstrong are held on the third Mondays of March, June, September and December. The term continues one week.

Armstrong county is annexed to the western district of the Supreme Court.

1800.

## CHAPTER MMCXX.

*An ACT declaring the power and authority given by any last will and testament to executors to sell and convey real estates, to be and remain in the survivors or survivor of them, unless otherwise expressed in the will of the testator, and for other purposes therein mentioned.*

WHEREAS doubts have arisen in the construction of those existing laws of this commonwealth, which relate to the power which executors and administrators, with the will annexed, have to sell and convey the estates of their testators: And whereas, the importance of the subject requires that those laws should be so explained and amended, that persons appointed to execute the last wills and testaments of decedents, may know the extent of their powers, and be enabled fully to execute their respective trusts: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* in all cases wherein testators have devised, or may hereafter devise their real estates, or any part thereof, to their executors, to be sold, or have authorized and directed, or may hereafter authorize and direct such executors to sell and convey such real estates, or have di-

(See chap. 1607, and the notes thereto ante. pa. 66.)

Power of surviving executors over the testator's real

1800.

rected or may hereafter direct such real estates to be sold, without naming or declaring who shall sell the same, if one or more of such executors is, or are since dead, or shall hereafter die, it shall and may be lawful for the surviving executor or executors, to bring actions for the recovery of possession thereof, and against trespasses thereon, to sell and convey such real estates, or manage the same for the benefit of the persons interested therein, as fully and completely as he, she or they, together with his, her or their co-executor or co-executors, would be empowered to do, if he, she or they, were still living.

Power of acting executor, where others have refused.

SECT. II. *And be it further enacted by the authority aforesaid,* That in all those cases wherein such devises have been or shall be made, or such authority and direction given, if one or more of such executors hath or have refused, or shall hereafter refuse, or hath or have renounced, or shall renounce, it shall and may be lawful for the acting executor or executors, to sell and convey such real estates, and otherwise act respecting the same, as fully and completely as he, she or they, together with such refusing or renouncing executor or executors, would be empowered to do, if he, she or they, had not refused or renounced.

Power of administrators with the will annexed.

SECT. III. *And be it further enacted by the authority aforesaid,* That if where such devises as aforesaid have been or shall be made, or authorities and directions given, such executor or executors are deceased, or shall hereafter die, or have refused or shall hereafter refuse, or have renounced or shall renounce, and letters of administration with the will annexed, have been or shall be granted, it shall and may be lawful for such administrators, with the will annexed, to sell and convey such real estates, and otherwise act, respecting the same, as fully and completely as if such deceased, refusing, or renouncing executor or executors, might or could have done, were he, she or they, still living, or had he she or they accepted the execution of the last wills and testaments of such testators, or had not renounced.

Power where executors are dismissed.

SECT. IV. *And be it further enacted by the authority aforesaid,* That if where such devises as aforesaid have been made or shall be made, or authorities and directions given, such executor or executors shall have been or hereafter may be dismissed or otherwise discharged, the executor or executors remaining, shall have like power to sell and to execute the said trusts and authorities, as fully and amply as if all of the executors named had joined therein; or if all the executors have been or hereafter shall be dismissed, or the letters testamentary have been or shall be in any case vacated, and new letters awarded, it shall and may be lawful for the administrators, with the will annexed, or the administrator de bonis non, or other person or persons to whom letters of administration shall legally issue, to sell and to execute the said powers and authorities mentioned and contained in any last will and testament, as fully and amply as if all the executors named had joined therein.

or letters testamentary are vacated.

This act not to derogate from the power of testators.

SECT. V. *Provided always, and be it further enacted by the authority aforesaid,* That nothing in this act shall be deemed or taken to prevent any testator, from directing by his or her last will and testament, otherwise than is herein declared and enacted.



## CHAPTER MMCXXI.

1800.

*An ACT to extend the time limited by the act, entitled "An Act for the limitation of actions to be brought for the inheritance or possession of real property, or upon penal acts of Assembly."*

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the provisions and limitations in the third section of the act, entitled "An Act for the limitation of actions to be brought for the inheritance or possession of real property or upon penal acts of Assembly," passed the twenty-sixth day of March, one thousand seven hundred and eighty-five, shall not be a bar to any person or persons, who, on the passing of the said act, had any right or title of entry into any lands, tenements or hereditaments, or to the heir or heirs or assigns of such person or persons, until the expiration of three years from and after the twenty-sixth day of March, one thousand eight hundred.*

The limitation act suspended for three years.

(Vol. 2, page 299.)

SECT. 2. [This act to be publicly read. (Obsolete.)]

Passed 12th March, 1800.—Recorded in Law Book No. VII. page 159.

## CHAPTER MMCXXV.

*An ACT to extend the act, entitled "A Supplement to an act for establishing an explicit fee-bill."*

[Ante, page 314, chapter 1967.]

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the supplement to the act, entitled "An Act for establishing an explicit fee-bill," passed on the sixteenth of March, one thousand seven hundred and ninety-eight, and all things therein contained, be, and the same is hereby extended and rendered perpetual.*

The supplement to the fee-bill law made perpetual.

Passed 15th March, 1800.—Recorded in Law Book No. VII. page 189.

## CHAPTER MMCXXVII.

*A SUPPLEMENT to "An Act for offering compensation to the Pennsylvania Claimants of certain lands within the seventeen townships in the county of Luzerne, and for other purposes therein mentioned."*

[Ante page 362.]

WHEREAS by the third section of the act to which this is a supplement, it was provided and directed, that the claims and vouchers of the Pennsylvania Claimants shall be submitted to the Register-General and Comptroller-General, to issue and deliver to such claimants certain certificates therein specified, and the Comptroller-General was thereby authorized and directed to issue, alter and renew such certificates: And whereas, by the construction put upon

1800. the said section, it is doubted whether the Register-General is authorized to sign the said certificates, and it is manifestly proper that such a power should be given : Therefore,

Certificates to Pennsylvania Claimants shall be signed by the register.

[SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from henceforth the Register-General shall be, and he is hereby authorized and directed, to sign all certificates to be issued by the Comptroller-General, and Register-General, or either of them, in pursuance of the act to which this is a supplement ; and no such certificate shall be lawful, or the evidence of any property or right in the holder, of it, or other person, unless signed by the said Register-General.*]

How such certificates shall be cancelled.

[SECT. II. *And be it further enacted by the authority aforesaid, That when the said certificates, or any of them, shall be paid and delivered into the Land-Office, or otherwise discharged and redeemed, the same shall be delivered to the Comptroller-General, who shall immediately cancel the same by piercing holes through the said certificates, of at least an inch in diameter, by an instrument containing such device as the said Comptroller-General and Register-General shall agree upon ; and the said certificates being so cancelled, shall be filed by the said Comptroller-General in his office, subject to the future disposition of the Legislature.*]

Time for receiving applications from Pennsylvania Claimants, extended.

SECT. III. Whereas by the fourth section of said act, the time limited for the Pennsylvania Claimants to file their applications, expired on the fourth day of October last, and owing to the calamity that prevailed in the city of Philadelphia, several citizens were prevented from presenting their claims : For remedy whereof, *Be it further enacted by the authority aforesaid, That the Board of Property be, and they are hereby authorized to receive any applications that may be made by the Pennsylvania Claimants, on or before the first day of October next, on the same conditions and for the same purposes, as directed in the fourth section of said act : and all Pennsylvania Claimants filing their claims as above directed, and otherwise complying with the terms and stipulations of said act, shall be entitled to all the advantages and benefits contemplated by the said act, to which this is a supplement.*

Passed 15th March, 1800.—Recorded in Law Book No. VII. page 176.

## CHAPTER MMCXXVIII.

*An ACT to authorize Isaac Meason and Zachariah Connell, their heirs and assigns, to erect, build and maintain a toll-bridge across the Youghiogheny river, at Connellsville, in Fayette county.*

SECT. 1. [A BRIDGE to be erected over Youghiogheny river, and the property vested in the builders. Tolls to be taken for passing the bridge. Proviso as to private property, and the navigation of the river. 2. Paupers exempted from toll. 3. Accounts of the bridge to be exhibited. When toll may be decreased. 4. Limitation for commencing and completing the bridge. 5. Proceedings



to declare and make the bridge free. 6. If the bridge is not kept in repair, upon inquisition, before a Justice, &c. the tolls shall cease until the bridge be repaired.] 1800.

Passed 15th March, 1800.—Recorded in Law Book No. VII. page 165.

## CHAPTER MMCXXX.

*An ACT vesting one of the city lots therein mentioned, in trustees for the use of the fourth Presbyterian church, in the city of Philadelphia.*

SECT. 1. [A LOT vested in the fourth Presbyterian church, for a church and burying ground.]

Passed 15th March, 1800.—Recorded in Law Book No. VII. page 180.

## CHAPTER MMCXXXII.

*A SUPPLEMENT to the act vesting certain powers in the Judges of the Supreme Court.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That if the city of Philadelphia should at any time hereafter be afflicted by any infectious or contagious fever, the Judges of the Supreme Court, or any two of them, be, and they are hereby authorized, to hold the terms in any convenient place, in any county in the state, for the purpose of hearing law arguments, and receiving the returns of the different Sheriffs, and deciding on mere legal questions.*

The supreme court may be held in any county, if the city of Philadelphia is afflicted with a contagious fever.

Passed 15th March, 1800.—Recorded in Law Book No. VII. page 187.

## CHAPTER MMCXXXIII.

*A further SUPPLEMENT to the act, entitled "An Act to prevent the exportation of bread and flour not merchantable, and for repealing at a certain time, all the laws heretofore made for that purpose."*

(Vol. 1, pa. 523. vol. 2, pa. 11-270.)

WHEREAS flour made of rye and Indian corn, having become considerable articles of exportation, it is necessary to subject them to inspection, in order to establish their reputation abroad: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the first day of September next, all flour made of rye or Indian corn, which shall be brought to any port or place within this state for exportation, shall be packed in casks made of good seasoned materials of the like dimensions, and hooped, nailed*

Rye flour and Indian corn how to be packed;

1800.

marked and  
branded.How to be  
inspected  
before ex-  
portation.

and branded, with the brand of the miller or bolter, and with the number of the cask, and with the weight of the flour therein, in like manner as in and by the above recited act, and the several supplements thereto, is directed (except as to the casks number one, mentioned in the above recited act to which this is a supplement) and under the like penalties and forfeitures as are therein specified, as to the flour called merchantable; and moreover each cask shall have the tare or weight of the cask marked on it, and shall be branded with the words "rye flour," or "kiln-dried corn meal," at length, as the contents may be, in a fair and distinguishable manner, before it leaves the mill or bolting-house where the same shall have been first packed. And that from and after said first day of September next, no merchant or other person whatsoever shall lade or ship any flour made of rye or Indian corn, on board any ship or vessel for exportation out of this state, before the same shall be offered to the view and examination of the inspectors of the port or place from whence the same shall be intended to be exported, and before the same shall be inspected, approved and adjudged, by the said inspector or one of his deputies (or the three persons to be appointed by one of the magistrates, in the manner by the said recited act directed, as to merchantable flour) to be of a due degree of fineness, and of a quality fit to be exported as merchantable; and the said inspector or his deputy, shall try and search the same, and plug up the holes he shall make, in the same manner, and shall receive the same reward, as by the said act is directed concerning merchantable flour.

Proceedings  
if rye flour  
or Indian  
corn be con-  
demned.

SECT. II. *And be it further enacted by the authority aforesaid,* That if the inspector or his deputies, or the three persons to be appointed by a magistrate as aforesaid, shall adjudge and determine that any such flour of rye or Indian corn, so to be branded, shall not be of due fineness, and of a quality in all respects fit to be exported as merchantable, he or they shall cause the said words "rye flour," or "kiln-dried corn meal," so branded, to be scratched out and obliterated, and the person or persons offering or intending the same for sale or exportation, shall pay for the inspection thereof, the same reward as if the same had been adjudged to be fit for exportation.

Rye and In-  
dian corn  
may be pack-  
ed in hogs-  
heads.Materials,  
dimensions  
and marks  
of the hogs-  
head.

SECT. III. And whereas, the packing of flour made of rye or Indian corn, in casks of larger dimensions than are warranted by the said recited act or its supplements, has been practised and found to be beneficial to the exporters: *Be it further enacted by the authority aforesaid,* That it shall and may be lawful for millers and bolters, to pack any flour of rye or Indian corn, in strong tight hogsheads, to be well made of good seasoned white oak, and to be bound and tightened with sixteen good and sufficient hoops, to be well secured with not less than four nails in each chine hoop, and three wooden plugs or pegs at the upper edge of each upper bilge hoop, and to be of the following dimensions, viz. the staves to be of the length of forty-one inches, and the diameter of the head to be twenty-seven inches, and the diameter at the bung or bilge to be thirty-one inches, to contain eight hundred pounds neat weight, having the tare or weight of the cask marked on it, and branded be-



fore it leaves the mill, bolting-house, or place where the same shall have been packed, as herein before directed, with the addition of number 1. 800, such miller and bolter complying with all and every the directions of the said recited acts of Assembly, as to the casks number 2, 3, and 4 therein mentioned, and of this act, and subject to the same regulations, fines, forfeitures and penalties; and the said inspector or his deputy, shall be entitled to demand and receive for the inspection of each and every such cask, branded number 1. 800, as aforesaid, from the person or persons offering the same for inspection, the sum of three cents, and no more. 1800.

Fee for inspection.

SECT. IV. And whereas, rye flour of superior quality, has become an article of considerable demand for exportation, and will command an advanced price: *Be it further enacted by the authority aforesaid,* That any miller or bolter may, in addition to the words "rye flour," heretofore directed, brand each and every cask containing flour of rye, with the word "fine" before it leaves the mill or bolting-house where the same shall have been first packed; and before it shall be shipped or laden on board any ship or vessel for exportation out of this state, it shall be offered to the view and examination of the inspector, or one of his deputies, who shall try and search the same, as herein before directed, and if the said inspector, or his deputy, shall judge the same to be of sufficient fineness and quality in all respects to be exported as rye flour "fine," he shall plug up the holes he shall make, in the same manner as is herein before directed; but if the said inspector or his deputy, shall adjudge any such flour of rye, having thereon the brand of "fine," to be inferior to the standard quality which shall entitle it to be shipped and exported as "fine," he shall be, and he is hereby authorized and directed to scratch out and obliterate the word "fine," from such brand-mark: *Provided also,* That if any dispute shall arise between the inspector and the owner or possessor of such flour, concerning the fitness thereof to pass as "fine," such owner or possessor may have the same tried and determined in such manner and form, as is directed by the act to which this act is a supplement, for settling disputes concerning the quality of flour therein mentioned.

Rye flour, branded "fine," and to be inspected as such.

Disputes on inspection, how to be settled.

SECT. V. *And be it further enacted by the authority aforesaid,* That all and every the regulations, fines, penalties and forfeitures, in and by the said first recited act, and the several supplements thereto, and by this act made, imposed and inflicted on any person or persons who should or shall grind, bolt, make casks for, pack, brand after the same shall have left the mill or bolting-house, transport, export or otherwise have any thing to do with common or superfine flour, and who should or shall offend against the said recited act, or the supplement thereto, or against this act, shall, from and after the said first day of September next, extend and be construed to extend to such persons and offences as to flour made of rye or Indian corn, as fully and effectually as if the articles "rye flour" and "kilm-dried corn meal" was inserted with flour in the said acts, or as if the said regulations, fines, penalties and forfeitures were herein repeated.

Of fines, penalties and forfeitures.

SECT. VI. *And be it further enacted by the authority aforesaid,* That all and singular the fines, forfeitures and penalties, imposed

Fines and how to be

1800. and directed to be levied by this act, may be sued for and recovered by the said inspector, or his deputies, in like manner as other debts of the like amount may or can be sued for, and be recovered by the laws of this commonwealth, together with costs of suit, and shall be applied in like manner as is directed by the act to which this is a supplement.

recovered  
and applied,

Passed 15th March, 1800.—Recorded in Law Book No. VII. page 172.

## CHAPTER MMCXXXVI.

*An ACT to authorize the Governor to appoint commissioners to sell the house intended for the accommodation of the President of the United States, and the lots adjacent thereto.*

Commission-  
ers to be ap-  
pointed to  
sell the Presi-  
dent's house  
and lots.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the Governor be, and he is hereby authorized to appoint three persons, who shall be commissioners to sell the house intended for the accommodation of the President of the United States, and also the lots of ground adjoining thereto, in the city of Philadelphia, now the property of this commonwealth.

How the pre-  
mises shall  
be divided.

SECT. II. *And be it further enacted by the authority aforesaid, That* previous to the said house and lots, or any of them, being offered for sale by the said commissioners, they shall divide the same in the manner following, that is to say; That part of the said lots which fronts on Market-street, shall be divided into six lots, four of which shall be twenty-five feet each in front on said street, and the easternmost of the remaining two shall be twenty-six feet four inches and a half in front, on the said street, and the westernmost twenty-six feet four inches and a half, more or less; and all and every of the said lots shall extend one hundred and twenty-five feet south from Market-street, and no more; that part of the said lot which fronts on Chesnut-street, shall be divided in the like manner, excepting only that each and every of the lots into which the same shall be so divided, shall extend one hundred and thirty feet northwardly from the said Chesnut-street, and no more.

A plan and  
ground plot  
to be made;  
thirty days  
notice of the  
sale to be  
given.

SECT. III. *And be it further enacted by the authority aforesaid, That* the said commissioners shall, without delay, as soon as they shall have divided the said lots in the manner above mentioned, cause a plan thereof, and also the ground-plot of the house intended for the accommodation of the President of the United States, and the ground immediately contiguous thereto and not particularly described in the last section, or included in the lots therein mentioned, to be made; and shall dispose of the said house and ground and lots, without delay, by public sale, giving at least thirty days notice of the intended sale, in two or more newspapers, printed in the city of Philadelphia: *Provided, That* at least one third part of the purchase-money of the said house and ground, and of the said lots, shall be paid before any title is made for the same, or any part there-

Terms of  
payment.



of respectively, and the remainder secured by a mortgage thereon respectively, payable in not more than three equal annual instalments, with interest. 1800.

SECT. IV. *And be it further enacted by the authority aforesaid,* That as soon as the said commissioners, or any two of them, shall certify to the Governor, that the said house and lots, or any of them, are sold in the manner herein before directed, he shall under his hand, execute a good and sufficient deed or deeds, transferring all the right, title, interest and estate of this commonwealth in the same, to such person or persons as shall be certified to him by the said commissioners, or any two of them, to be the purchaser or purchasers thereof, and shall cause the state seal to be thereto affixed; and shall thereupon deliver, or cause the said deed or deeds to be delivered to the said purchaser or purchasers, on his or their paying one third of the amount of the purchase-money to the state treasurer, and depositing a good and sufficient mortgage for securing the residue, in the manner herein before mentioned, with the Recorder of deeds for the city and county of Philadelphia, in order that the same may be by him recorded in the office for recording of deeds for the city and county of Philadelphia; and the said Recorder for the time being shall, whenever satisfaction of any such mortgage shall be acknowledged in his office, by the State Treasurer, deliver the said mortgage so satisfied, to the mortgagor or other owner of the property in the said mortgage mentioned.

Deeds to be executed to the purchasers.

Payments to be first made and secured.

SECT. V. *And be it further enacted by the authority aforesaid,* That the several lots fronting on Market and Chesnut-streets, described in the second section of this act, shall be sold with the condition and under the restrictions following, that is to say; That no building or erection shall be made on any or either of them, at the distance of more than one hundred feet from the said streets respectively, of a greater height than eight feet, and in each and every of the deeds granted for the same in pursuance of this act, shall be inserted a provision to that effect.

Condition to be annexed to the sale of lots on Market and Chesnut-streets.

SECT. VI. And whereas it is represented, that several sums of money remain unpaid to some of the persons who have been employed about the said buildings: *Be it further enacted,* That it shall be lawful for the said persons, or their executors or administrators, to present their accounts to the Comptroller and Register-General, on whose certificates, and the certificate of the survivor of the late agents, the Governor is hereby empowered to draw a warrant or warrants on the Treasurer, payable to the persons in whose favour certificates shall issue as aforesaid, for the amount found due to them respectively: *Provided,* That the aggregate of the sums so to be allowed, do not exceed one thousand three hundred and eighty-eight dollars and ninety cents.

Sums due for the building to be paid.

Limitation of the amount.

Passed 17th March, 1800.—Recorded in Law Book No. VII. page 184.

# A C T S

OF THE

## General Assembly of Pennsylvania.

Passed during the eleventh General Assembly, which commenced 5th November, 1800, and ended 27th February, 1801.

---

THOMAS M'KEAN, GOVERNOR.

1800.

JOHN WOODS, Speaker of the Senate until 26th February, 1801,  
when Francis Gurney was elected Speaker.  
ISAAC WEAVER, JUNR. Speaker of the House of Representatives.

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### CHAPTER MMCXXXIX.

*An ACT for erecting certain election districts within the county of Luzerne.*

Huntingdon  
election dis-  
trict.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the township of Huntingdon in the county of Luzerne shall be an election district, to be called Huntingdon district; and the electors thereof shall hold their general elections at the house now occupied by Charles E. Gaylord in said township.*

Brantrum  
election dis-  
trict

SECT. II. *And be it further enacted by the authority aforesaid, That the township of Brantrum, in the county aforesaid, shall be an election district, to be called Brantrum district; and the electors thereof shall hold their general elections at the house now occupied by James Wheeler in said township.*

Rindaw elec-  
tion district.

SECT. III. *And be it further enacted by the authority aforesaid, That all that part of the several districts of Wyalusing, Wysock, Tioga and Willingborough, in the county aforesaid, included within the following bounds, viz. Beginning at a point five miles due east from the standing stone in the Susquehanna river; thence north to the northern boundary of the state; thence east to the twenty-eight mile stone on said boundary line; thence south until it shall intersect a line to be drawn due east from the place of beginning, shall be a separate election district, to be called Rindaw district; and the elec-*



tors thereof shall hold their general elections at the house now occupied by Ezekiel Hyde in said district. 1800.

Passed 1st December, 1800.—Recorded in Law Book No. VII. page 194.

## CHAPTER MMCXLI.

*An ACT to erect a certain election district in the county of Wayne.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the townships of Lackawaxon, Palmyra and that part of Canaan township which lies on the south side of Middle creek in the county of Wayne, are hereby erected into a separate election district, to be called the fourth district, and the electors thereof shall hold their general election at the mansion-house at Wilsonville in said county.

Fourth election district of Wayne

Passed 1st December, 1800.—Recorded in Law Book No. VII. page 196.

## CHAPTER MMCXLII.

*An ACT to change the place of holding elections in the fourth election district in Fayette county.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the electors composing the district of Bullskin and Tyrone townships, in the county of Fayette, shall hold their general elections at the public school-house in Connellsville in Bullskin township.

Election district of Bullskin and Tyrone.

Passed 1st December, 1800.—Recorded in Law Book No. VII. page 197.

## CHAPTER MMCXLIII.

*An ACT erecting two election districts, and enlarging the bounds of another district, in the county of Washington, within this commonwealth.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the following bounds in the county of Washington, to wit, Beginning at the three forks of Buffaloe creek; thence up the westerly fork, called Buck-run, to John Graham's; thence to Alexander Gray's; thence to the top of the dividing ridge between the waters of Buffaloe and Wheelen creeks; thence by the said dividing ridge, to the line of Morris and Canton

Brunswick election district in Washington.

1800.

townships; thence to Williamson's road at Joseph Lauramore's; thence along said road, to the place of beginning, shall be a separate election district, and the electors thereof shall hold their elections at the house now occupied by James Kerr, in the town of Brunswick in said district.

An election district, to be held at R. Stevenson's.

SECT. II. *And be it further enacted by the authority aforesaid,* That the following bounds in the county of Washington, to wit, Beginning at the state line, where Greene county line intersects the same; thence by the said line up Wheelen creek and Enlow's fork, to the head thereof; thence to the top of the ridge that divides the waters of Wheelen and Ten-mile creeks; thence a north-west course along the top of the ridge that divides the waters of Wheelen and the Stone-coal fork of Buffaloe creek to the house of Alexander Gray; thence to John Graham's; thence down Buck-run to West-Liberty road; thence along said road to the State line; thence along said line to the place of beginning, shall be a separate election district, and the electors thereof shall hold their elections at the house now occupied by Robert Stevenson, in said district.

An election district adjoining the sixth district.

SECT. III. *And be it further enacted by the authority aforesaid,* That the following bounds in the county of Washington, from and after the passing of this act, shall be annexed to the sixth election district, to wit, Beginning at the late Reverend Joseph Smith's meeting-house, thence to the south-east corner of Cross-creek township; thence along the township line to the road from Canonsburgh, to Well's mills; thence along said road to John Marshall's; thence to the Reverend Thomas Marquas's old place; thence to Harmonis Cole's; thence along the Mingo-bottom road to the state line; thence along the same to the line of the sixth election district, and the electors of the said district shall hold their elections at the house formerly appointed by law.

Passed 1st December, 1800.—Recorded in Law Book No. VII. page 197.

## CHAPTER MMCXLIV.

*An ACT to erect a new election district in the county of Huntingdon, and for other purposes.*

The ninth election district of Huntingdon.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, so much of the township of Allegheny, in the county of Huntingdon, as lies west of the summit of the Allegheny mountain, shall be a separate election district, to be called the ninth election district of the county of Huntingdon, and the electors thereof shall hold their elections at the house now occupied by Cornelius McGuire within said township.

The eighth election district enlarged.

SECT. II. *And be it further enacted by the authority aforesaid,* That the electors of the sixth election district within said county, who reside eastward of a straight line to be drawn from Foreshea's gap in Terrass mountain, to the mouth of Little Trough creek, and from thence up Big Trough creek, to Philip Curfman's saw-mill;



and thence a straight line, so as to include the house of Joshua Chilcot, junior, to the eastward, to the line of the eighth election district, shall be a part of the first election district in said county, and the electors thereof shall hold their elections, at the court-house in the borough of Huntingdon, any law to the contrary notwithstanding. 1800.

SECT. III. *And be it further enacted by the authority aforesaid,* That all that part of West township, in the county of Huntingdon, within the following lines, viz. Beginning the division line of Franklin and West townships on the Little Juniata river; thence along said line till opposite the head of Nelson's run: thence down the said run until it intersects Shaver's creek; thence up the said creek, until the great road leading from Alexander M'Cormick's mill, to the borough of Huntingdon, crosses the same; thence along the said road to the line of Huntingdon township, shall from and after the passing of this act, be annexed to the first election district, and the electors thereof shall hold their elections at the court-house, in the borough of Huntingdon, any law to the contrary notwithstanding. The first election district enlarged.

Passed 17th December, 1800.—Recorded in Law Book No. VII. page 199.

## CHAPTER MMCXLV.

*An ACT to regulate the fisheries in the river Juniata and its branches.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, no seine or net shall be cast or drawn, or in any wise made use of by any person or persons whomsoever, in the river Juniata or its branches (so far as the same is or shall be hereafter declared a public highway) for the purpose of taking fish, from sun-setting on Saturday, until sun-rising on Monday morning next following, and that no more than one seine or net shall be drawn, or in any wise made use of in any pool or fishing-place, by any person or persons whomsoever, in the aforesaid river or its branches, in any one term of twenty-four hours, to begin at sun-rising and to continue until sun-rising the day next following, and that no seine or net shall be so long, as to extend more than two-thirds of the way across said river, and where it may happen that there is or may be a fishery on each side of said river, and opposite each other, they shall not draw their seines or nets on such fisheries, both at one time, in any one term of twenty-four hours: the fishery on the east side of said river to be occupied or made use of one twenty-four hours, the fishery on the west side the next twenty-four hours, and so on in rotation, or as the parties may otherwise agree; but not to infringe on the meaning and intent of this act. And if any person or persons whomsoever, shall draw or make use of any seine or net in the said river or its branches, Regulation of the fisheries in Juniata. Penalty on transgressing the regulations.

1801.

Appeal.

or shall be aiding or assisting therein within the term or terms aforesaid, contrary to the true meaning and intent of this act, every person or persons so offending, and being thereof legally convicted before any justice of the peace, of the county where the offence is committed, shall forfeit the sum of thirty dollars, together with costs of suit for every such offence, to be paid, one half to the informer or prosecutor, the other half to be applied by the supervisor or supervisors of the roads, in the township where the offence has been committed, in repairing the public roads in the same : *Provided always nevertheless*, That in either of the aforesaid cases, the like appeal from the decision of any justice of the peace, shall be had as in cases of recovering debts under twenty pounds.

Passed 2d January, 1801.—Recorded in Law Book No. VII. page 200.

## CHAPTER MMCXLVI.

*An ACT altering and erecting certain election districts in the county of Northumberland.*

New Berlin  
election  
district.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That the part of the county of Northumberland comprised within the following boundaries, viz. Beginning at a point on the middle of the Shamokin hill; thence by a south line to William Weyrick's in Penn's township, on Penn's creek; thence to Frederick Stone's; thence to John Dibler's; thence to Jacob Bishop's; thence to George Markley's; thence to Peter Burn's, on Penn's creek, including all the said farms; thence along the Buffaloe township line, to Abraham Ireley's; thence to Toran O'Quin's, included as aforesaid; thence to the top of the middle ridge of the Shamokin hills, including Seabold's mill and farm, to the beginning, shall be a separate election district, to be called New-Berlin district, and the electors thereof shall hold their general elections, at the house now occupied by Christopher Seabold, in the town of New-Berlin.

Shamokin  
election dis-  
trict.

Fishing  
creek dis-  
trict.

SECT. II. *And be it further enacted by the authority aforesaid*, That the township of Shamokin, in the same county, shall be a separate election district, to be called Shamokin district, and the electors thereof shall hold their general elections, at the house now occupied by Jacob Reed, in the said township: And that the townships of Greenwood and Fishing creek, in said county, shall be an election district, to be called Fishing creek district, and the electors thereof shall hold their general election, at the house now occupied by Samuel Smith, in Fishing creek township aforesaid: And that the place of holding the general elections for Bloom and Brier creek townships, be and the same is hereby changed, from the house of Samuel Boon, to the house now occupied by David Fowler, in Brier creek township: And that that part of Mahoning township, which constituted a part of what was heretofore called the seventh election district, be and the same is hereby annexed to Wash-

Bloom and  
Brier creek  
election dis-  
trict.

Mahoning  
township  
annexed to  
Washington  
district.



ington district, any law or laws to the contrary hereof notwithstanding. 1801.

Passed 2d January, 1801.—Recorded in Law Book No. VII. page 201.

## CHAPTER MMCXLVII.

**A SUPPLEMENT** to the act, entitled "*An Act for erecting part of the counties of Mifflin, Northumberland, Lycoming and Huntingdon, into a separate county.*" [Ante, page 407, chap. 2092.]

**SECT. I.** *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the Governor shall be, and he is hereby authorized to appoint three commissioners, for the purpose of running, marking and ascertaining, part of the lines between the counties of Huntingdon and Centre, according to the following boundaries; *that is to say, Beginning* at a point on the Tussey's mountain, three miles south-west of the line, which divided Mifflin and Huntingdon counties, thence by a direct line to the head of the south-west branch of Bald-eagle creek; and thence a direct line to the head waters of the Muchan-

Commissioners to be appointed to run part of the line between Huntingdon and Centre counties.

**SECT. II.** *And be it further enacted by the authority aforesaid, That* the said commissioners shall mark, run and ascertain, part of the lines between the counties of Lycoming and Centre, beginning opposite to the mouth of Quinn's run, on the west branch of Susquehanna, thence a straight line to the mouth of Fishing creek where it empties into Bald-eagle creek, and thence to the north-east corner of Miles [late Haines] township, including Nittaney valley.

And, also, part of the line between Lycoming and Centre.

**SECT. III.** *And be it further enacted by the authority aforesaid, That* the said commissioners, or any two of them, shall make different duplicate plots of the lines so run, and shall deposit one of each thereof, with the recorder of deeds of each county, bounded by the lines so run, in order to their being entered of record.

Duplicate plots to be made of the surveys and deposited in the offices of the respective counties.

**SECT. IV.** *And be it further enacted by the authority aforesaid, That* the expenses attending the execution of the duties enjoined upon the commissioners as aforesaid appointed, shall be paid by the respective counties, bounded by the said lines, in equal proportion for those lines adjoining them, for which purpose, the county commissioners are hereby authorized to draw warrants on their respective treasurers, in favour of the said commissioners appointed to run the lines aforesaid.

The expense how to be defrayed.

**SECT. V.** *And be it further enacted by the authority aforesaid, That* whereas by the ninth section of the act, to which this is a supplement, the trustees of Centre county are authorized and directed to erect a court-house, prison and other buildings, for the safe keeping of the public records, on the public square in the town of Bellefont; but as it appears ineligible that a prison should be erected on the public square of the said town: Therefore the trustees of Centre county, are hereby authorized to erect a prison for said county, on any of the lots in the town of Bellefont, conveyed to them by James

Where the prison of Centre county may be erected.

1801. Dunlop, and James Harris, which may appear to them most suitable and best situated for the same.

Two of the trustees of Centre shall be a quorum to transact business.

SECT. VI. *And be it further enacted by the authority aforesaid,* That any two of the trustees of Centre county, shall in all cases be a quorum, to transact any business confided to them by this act, or by the act to which this is a supplement.

The first election district of Centre.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the townships of Upper Bald-eagle and Centre, in Centre county, shall be a separate election district, to be called the first election district, and the electors thereof shall hold their elections at the place where the courts are held in the town of Bellefont: And that the townships of Franklin and Half-moon in said county, shall be an election district, to be called the second election district, and the electors thereof shall hold their elections at the house now occupied by Abraham Elder in Half-moon township aforesaid.

The second election district.

Passed 7th January, 1801.—Recorded in Law Book No. VII. page 202.

## CHAPTER MMCXLVIII.

*An ACT to erect a new election district in the county of Somerset, and for other purposes.*

The sixth election district of Somerset.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the township of Stoney-creek, and that part of Bedford township, annexed to the county of Somerset, shall be an election district, to be called the sixth district, and the electors thereof shall hold their general elections, at the house now occupied by John Roads, in said township of Stoney-creek.

The place of election of part of Quamahoning township altered.

SECT. II. *And be it further enacted by the authority aforesaid,* That the electors residing within that part of Quamahoning township, in Somerset county, who now elect at Beula, shall from and after the passing of this act, elect for the general election, at their former election district in Stoy's town, at the house appointed by a former law.

Passed 7th January, 1801.—Recorded in Law Book No. VII. page 204.

## CHAPTER MMCLI.

*An ACT to authorize James Hulings, his heirs or assigns, to erect a wing-dam on French creek, in Venango county.*

SECT. 1. [JAMES HULINGS empowered to erect a wing-dam on French creek. 2. Complaints against the dam how to be made. Viewers to be appointed by the sessions; and indictment may be founded thereon. Obstructions in the creek to be removed by James Hulings.]

Passed 31st January, 1801.—Recorded in Law Book No. VII. page 206.



## CHAPTER MMCLII.

1801.

*An ACT to authorize Roger Alden to erect a wing-dam on French creek, in the county of Crawford.*

SECT. 1. [ROGER ALDEN empowered to erect a wing-dam on French creek. 2. Complaint against the dam how to be made; viewers to be appointed by the sessions, and indictment may be founded thereon.]

Passed 31st January, 1801.—Recorded in Law Book No. VII. page 298.

## CHAPTER MMCLIII.

*An ACT to erect the county of Adams into certain election districts.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the townships of Cumberland, Franklin and Mannallen, and those parts of Strabane township on the west of a road leading from Schriver's mill, to George Lashel's and Hunter's town, thence down the Beaver-dam to the Conewago, are hereby erected into an election district, to be called the first election district, and the electors thereof shall hold their elections at the court-house in Gettysburgh.

First election district in Adams county.

SECT. II. *And be it further enacted by the authority aforesaid, That* the township of Mountjoy and Germany, and those parts of the townships of Heidelberg and Manheim, within the limits of the county of Adams, are hereby erected into an election district, to be called the second election district, and the electors thereof shall hold their elections at the house now occupied by Jacob Winrott, in the town of Petersburg in the township of Germany.

Second district.

SECT. III. *And be it further enacted by the authority aforesaid, That* the townships of Berwick and Mount-pleasant, and those parts of Strabane township, on the east side of the road leading from Schriver's mill, to George Lashel's and Hunter's town, thence down the Beaver-dam, to the Conewago, as aforesaid, are hereby erected into an election district, to be called the third election district, and the electors thereof shall hold their elections at the house now occupied by William Sturgeon, in Oxford town.

Third district.

SECT. IV. *And be it further enacted by the authority aforesaid, That* the township of Tyrone, and those parts of the townships of Huntingdon, Monaghan, Reading and Warrington, included within said county, are hereby erected into an election district, to be called the fourth election district, and the electors thereof shall hold their elections at the house now occupied by John Fickes, in Huntingdon township.

Fourth district.

SECT. V. *And be it further enacted by the authority aforesaid, That* the townships of Hamilton's-ban and Liberty are hereby erected into an election district, to be called the fifth election district, and the electors thereof shall hold their elections at the house now occupied by John McGinley, in Miller's town.

Fifth district.

Passed 31st January, 1801.—Recorded in Law Book No. VII. page 299.

1801.

## CHAPTER MMCLIV.

*An ACT to declare Neshanock creek, in the county of Mercer a public highway.*

Neshanock  
creek de-  
clared a  
highway.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, Neshanock creek in the county of Mercer, from its mouth where it empties into the Shenango, up to the junction of Otter creek and Mill creek, shall be and the same is hereby declared to be a public highway, for the passage of boats and rafts along the same; and it shall and may be lawful for the inhabitants desirous of using the navigation of the said creek, to remove all natural and artificial obstructions, from the mouth thereof, up to the junction of the aforesaid creeks: *Provided, That* in doing the same, they shall not thereby injure any private property on the said creek.

Reserving  
prior rights  
to erect  
dams.

SECT. II. *And be it further enacted by the authority aforesaid, That* nothing in this act contained shall be deemed, taken or understood, to prevent any person or persons, possessing land on the said creek, who, before the passing of this act, had authority under the laws of this commonwealth, to erect a dam or dams, from erecting the same as he, she or they may think proper: *Provided, That* such dam or dams, be so constructed and kept in repair, by the owners thereof, with complete slopes and locks, on convenient parts of such dams, as that the navigation of the said creek for boats and rafts will not be injured thereby, nor the passing of fish prevented.

Passed 31st January, 1801.—Recorded in Law Book No. VII. page 210.

## CHAPTER MMCLV.

*An ACT to erect the townships of Blockley and Kingsessing, in the county of Philadelphia, into a separate election district.*

Schuylkill  
election dis-  
trict in  
Philadelphia  
county.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the townships of Blockley and Kingsessing in the county of Philadelphia, shall constitute a separate election district, to be called the Schuylkill election district; and the electors thereof, shall hold their general elections, at the house now occupied by John Leech in the township of Blockley aforesaid.

Passed 31st January, 1801.—Recorded in Law Book No. VII. page 211.

## CHAPTER MMCLVI.

*An ACT for erecting the township of Anvil and part of the township of Londonderry in the county of Dauphin into an election district.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly*



*met, and it is hereby enacted by the authority of the same, That* 1801.  
 from and after the passing of this act so much of the township of  
 Londonderry, as lies on the eastwardly side of the following lines,  
 to wit, Beginning at Dixon's ford on Swatara creek, thence along  
 the road between the lands of Robert and Thomas McCallen, to in-  
 tersect the great road at Henry Gates's, thence down the small road  
 by Martin Thomas and Thomas McElwrath's between the lands of  
 John Boal and Jacob Longnecker, thence by a straight line between  
 David Brand, Jacob Lehman and William Logan's, to Conewago  
 creek, thence along the line of Londonderry to Anvil, and including  
 the whole of Anvil township aforesaid, be, and the same is hereby  
 erected into an election district, and the electors within the same  
 shall hold their general elections at the house now occupied by  
 Christian Cassel in Miller's town, in the county of Dauphin afore-  
 said.

An additional  
 election  
 district in  
 Dauphin  
 county to  
 elect in Mil-  
 ler's town.

Passed 31st January, 1801.—Recorded in Law Book No. VII. page 211.

## CHAPTER MMCLXI.

*An ACT to repeal so much of an act, entitled "An Act authorizing* (Chap. 1966.)  
*certain lotteries" as empowers the commissioners therein named*  
*to raise a sum of money for erecting piers for securing the banks*  
*of the Allegheny and Monongahela rivers at Pittsburgh.*

SECT. I. *BE it enacted by the Senate and House of Represen-*  
*tatives of the commonwealth of Pennsylvania, in General Assembly*  
*met, and it is hereby enacted by the authority of the same, That*  
 it shall and may be lawful for the commissioners appointed by  
 the third section of an act, entitled "An Act authorizing certain  
 lotteries," passed the sixteenth day of March, one thousand seven  
 hundred and ninety-eight, and they are hereby authorized and re-  
 quired to take back the tickets which they disposed of under the  
 authority of the said act, and to refund to purchasers the money re-  
 ceived for the same, and the said commissioners are hereby exon-  
 erated from all the duties required by the said act, and from all  
 claims which may be made on them, by virtue thereof: *Provided*  
*always, That in case of refusal of the commissioners to refund the*  
*price of the tickets aforesaid, it shall and may be lawful for the*  
*plaintiff to sue for the amount of said tickets before any justice of*  
*the peace, to be recovered in the same manner that debts under five*  
*pounds are recoverable, and the said tickets shall be given in evi-*  
*dence in the suits aforesaid.*

Price of lot-  
 tery tickets  
 for piers in  
 the Alleghen-  
 y and Mono-  
 ngahela.

SECT. II. *And be it further enacted by the authority aforesaid,*  
*That so much and no more of the aforesaid act as authorizes cer-*  
*tain commissioners therein mentioned, to raise a sum of money by*  
*lottery for erecting piers, and for securing the banks of the Alleg-*  
*heny and Monongahela rivers at Pittsburgh, be, and the same is*  
*hereby repealed.*

Repeal of  
 part of the  
 former act.

Passed 4th February, 1801.—Recorded in Law Book No. VII. page 215.

1801.

## CHAPTER MMCLXII.

*An ACT to erect part of the county of Allegheny into a separate election district.*

The seventh  
election dis-  
trict in Al-  
legheny  
county.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, that part of Allegheny county contained in the following bounds, viz. Beginning on the Ohio river at Beaver county line, thence by the same to Washington county line, thence by the same to Noblesburgh district line, thence by the same to the heads of Moon run, thence down the same run to the Ohio river, thence across the same to the mouth of Lawry's run, thence up the same to the head thereof, thence a north-west course to Beaver county line, thence by the same to the place of beginning in said county, are hereby erected into a separate election district, to be called the seventh district, and the electors thereof shall hold their annual elections, at the house now occupied by Adam Patterson, in Middletown, any thing in any former law to the contrary notwithstanding.*

*Passed 4th February, 1801.—Recorded in Law Book No. VII. page 216.*

## CHAPTER MMCLXVI.

*An ACT to ascertain part of the lines between Lancaster and Chester counties.*

Provision for  
running cer-  
tain parts of  
the line be-  
tween Lan-  
caster and  
Chester  
counties.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the Governor be, and he is hereby authorized and empowered to appoint three commissioners, who or any two of them shall proceed to run out, mark and fix that part of the lines between the counties of Lancaster and Chester, from a point where the lines of Lancaster and Chester counties make a corner, near the Horse-shoe road on the Welsh mountain, to such point on the Octorara creek as in the opinion of the said commissioners may be necessary, which lines when so run and fixed by the commissioners as afore-said, or any two of them, shall be and remain the lines dividing the counties of Lancaster and Chester respectively.*

Provision  
that surveys  
previously  
made by de-  
puty survey-  
ors shall not  
be affected  
by the run-  
ning of the  
said act.

SECT. II. *And be it further enacted by the authority aforesaid, That where any survey or surveys have been made previous to the passing of this act, within the counties aforesaid, by any deputy-surveyor, and it shall be found after the running of the several lines as directed by this act, that the same surveys are not within the proper district of such deputy-surveyor, the return of such survey or surveys by the deputy or deputies who may have made the same, under circumstances of uncertainty, shall be as good and available in law, as if the same had been executed and returned by the proper deputy of the district, any law to the contrary in any wise notwith-*



standing: *Provided always*, That nothing herein contained shall in any degree prejudice or affect the right of private property. 1801.

SECT. III. *And be it further enacted by the authority aforesaid*, That the expenses attending the execution of the duties enjoined upon the commissioners, to be appointed by the first section of this act, as also the expenses which shall be incurred in running the lines between said counties, shall be paid out of the treasuries of the counties of Lancaster and Chester respectively, in equal proportion. How the expense of running the line shall be paid.

Passed 10th February, 1801.—Recorded in Law Book No. VII. page 222.

## CHAPTER MMCLXVII.

*An ACT to erect and regulate sundry election districts in the county of York.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, it shall and may be lawful for the electors of those parts of Manheim and Heidelberg townships, included within the bounds of York county, with that part of Paradise township on the west of a line to begin at the house of George Beack, thence by Nicholas Andrew, George Mayer and Michael Fissel, inclusive, together with that part of Codorus township on the west of a line to begin at the house of Jost Runk, thence by Henry Strikehouser, Christian Rohrback, Peter Kreps and Ludwig Frasher, inclusive, shall be a district, to be called the second election district, and the electors thereof shall hold their elections at the house now occupied by Daniel Clapsadle in the town of Hanover. Second election district of York county.

SECT. II. *And be it further enacted by the authority aforesaid*, That the township of Newbury shall be a district, to be called the third district, and the electors thereof shall hold their elections at the house of Eli Lewis in the town of Lewisbury. Third district.


SECT. III. *And be it further enacted by the authority aforesaid*, That those parts of Warrington, Reading, Monahan and Huntingdon townships, included within said county, shall be a district, to be called the fifth election district, and the electors thereof shall hold their elections at the house now occupied by John McClellan, on the road leading from York to Carlisle. Fifth district.

Passed 10th February, 1801.—Recorded in Law Book No. VII. page 223.

## CHAPTER MMCLXVIII.

*An ACT to enable the Governor of this Commonwealth to incorporate a company for making an artificial road from the city of Philadelphia, through Germantown, to the ten mile stone on Chesnut-hill, and from thence to the new stone bridge, over Perkiomen creek, in the county of Montgomery.*

SECT. 1. [COMMISSIONERS for receiving subscriptions for the Germantown turnpike road. Their duty in receiving subscrip-

1801.  tions. Payment to be made by the subscribers. 2. Proceedings to obtain a charter of incorporation. Corporate style to be "The President, Managers and Company of the Germantown and Perkiomen Turnpike road," and to have the usual corporate privileges. 3. Proceedings to organize the corporation, and to choose corporate officers. No person to have more than five votes, &c. 4. Time and place of company meetings prescribed. 5. Certificates of stock to be issued, and to be transferable. 6. Time and place of meetings of the president and managers to be as directed by the by-laws. Of the quorum, records, and powers of the president and managers. 7. Proceedings if stockholders do not pay the dividend on their shares. 8. Courses and distance of the road prescribed, and also, 9. The width, level and structure of the road. Power to erect bridges. 10. Proceedings to obtain a license to erect turnpike gates. 11. Rates of toll prescribed, And, penalty on false representations of the distance travelled, and for extorting more than legal tolls. 12. Weight of loads to be carried during specified periods of the year, in carriages whose wheels are of certain width, prescribed. Penalty for transgressing and power to alter the regulations of the act by by-laws. Limited. 13. Comparative tolls of horses, oxen and mules fixed.]

Proceedings  
if the road is  
not kept in  
order.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road in good and perfect order, for the space of five days, and information thereof shall be given to any justice of the peace of the neighbourhood, within the county where the repair ought to be made, such justice shall issue a precept to be directed to any constable, commanding him to summon three disinterested persons, to meet at a certain time in the said precept to be mentioned, at the place in the said road which shall be complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto within the said county, and the said justice shall at such time and place, on the oaths or affirmations of the said persons, inquire whether the said road, or any part thereof, is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made under the hands of himself and a majority of the said persons, and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates, between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put in good and perfect order and repair as aforesaid: And if the same shall not be so put into good and perfect order and repair before the next General Court of Quarter Sessions of the Peace, to be held for the county in which the defect is proved to be, the aforesaid Justices shall certify and send a copy of the inquisition aforesaid to the Justices of the said court, and the said Justices shall thereupon cause process to issue, and bring in the body or bodies of the person or persons intrusted by the company with the care and superintendence of such part of the said road as shall be so found defective, and shall proceed upon such inquisition in the same manner and form as upon indictments found by the



1801.

grand inquest for the body of the county against supervisors of the highways, for neglect of their duty; and if the person or persons intrusted by the said company as aforesaid shall be convicted of the offence by the said inquisition charged, the said court shall give such judgment, according to the nature and aggravation of the neglect, as according to right and justice, would be proper in the case of supervisors of the highways neglecting their duties; and the fines and penalties so to be imposed, shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court, and shall be paid to the supervisors of the highways of the township wherein the offence was committed, to be applied to repairing the public roads within such township.

SECT. XV. *And be it further enacted by the authority aforesaid,* That if any person or persons whomsoever, owning, riding in, or driving any sulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled, or other carriage of burthen or pleasure, or owning, riding, leading or driving any horse, mare, gelding, hogs, sheep or other cattle, shall therewith pass through any private gates or bars, or along or over any private passage, way or other ground, near to or adjoining any turnpike or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the company and avoid the payment of the toll or duty for passing through any such gate or turnpike; or if any person or persons shall with such intent, take off, or cause to be taken off, any horse, mare, or gelding, or other cattle, from any sulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled, or other carriage of burthen or pleasure, or practise any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person or persons, in all or every, or any of the ways or manners aforesaid offending, shall for every such offence respectively, forfeit and pay to the president, managers and company, of the Germantown and Perkiomen turnpike road, the sum of ten dollars, to be sued for and recovered with costs of suit, before any Justice of the Peace, in like manner, and subject to the same rules and regulations as debts under twenty pounds may be sued for and recovered: *Provided always,* That if any person or persons shall be prosecuted under this section of the act, and the said prosecution shall not be sustained on the part of the prosecutors, then, and in such case the person or persons prosecuted as aforesaid, shall receive from the company the sum of ten dollars, in lieu of damages arising from delay and a vexatious prosecution, recoverable as other fines under this act.

SECT. 16. [Accounts of the company to be kept, and power to extend the capital of the company. 17. Of dividends, how to be made and declared. 18. An abstract of the accounts to be laid before the Legislature. Provision for increasing the tolls, for purchasing the shares, and extinguishing the tolls. 19. Index posts to be erected.]

SECT. XX. *And be it further enacted by the authority aforesaid,* That the said company shall cause mile-stones to be placed on the side of the said road beginning at the distance of one mile from Philadelphia, and extending thence to the termination of the turn-

Frauds on  
the turnpike  
how punish-  
ed.

Mile stones  
to be placed  
on the side  
of the road.

1801.

Penalty for wilfully destroying the index posts and mile-stones.

Manner of driving on the road.

pike aforesaid, whereon shall be marked in plain legible characters the respective number of miles which each stone is distant from the bounds of the city of Philadelphia, and at every gate or turnpike by them to be fixed on the said road, shall cause the distance from Philadelphia, and the distance from the nearest gates or turnpikes, in each direction, to be marked in legible characters designating the number of miles and fractions of a mile on the said gates or some other conspicuous place, for the information of travellers and others using the said road; and if any person shall wilfully destroy the said posts, boards, index-hands or mile-stones, or deface the same, or deface the directions made on the said gates or other conspicuous places as aforesaid, or shall without permission of the acting superintendant of the said road, throw out upon the road or within the limits of the same, and suffer to remain for the space of one day, any mould, dirt, shavings, weeds or rubbish of any kind, such person being convicted thereof by the evidence of one or more credible and disinterested witnesses before any disinterested Justice of the Peace of the county, he or she shall be adjudged by the said Justice to pay a fine not exceeding five dollars, to be recovered with costs, as debts under five pounds are by law recoverable: which fine when recovered, shall be paid by the said Justice to the Treasurer of the said company, for the use of said company.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That all waggoners and drivers of carriages of all kinds, whether of burthen or pleasure, using the said road, shall, except when passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the said road, in the passing direction, leaving the other side of the road free and clear for other carriages to pass and to repass; and if any driver shall offend against this provision, he shall forfeit and pay the sum of two dollars, to any person who shall be obstructed in his passage and will sue for the same, to be recovered with costs, before any justice, in the same manner as debts under forty shillings are by law recoverable.

SECT. 22. [Limitation for commencing and finishing the road, and 23. Provision for the Legislature paying the expense, and extinguishing the toll.]

Passed 12th February, 1801.—Recorded in Law Book No. VII. page 224.

## CHAPTER MMCLXIX.

[Ante. page 224, chap. 1830.]

**A SUPPLEMENT** to an act, entitled “An Act to authorize the inhabitants of the Northern-Liberties, within a certain described part thereof, to regulate the streets, lanes and alleys within the same, and for other purposes therein mentioned.”

Regulation of the streets in the Northern-Liberties.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the supervisors of the roads of the township of the Northern-Liberties, shall regulate or cause to be regulated, all the streets, lanes and alleys, within that part of the said township, described in and



1801.

by the act to which this is a supplement, conformably to the regulation which is or may be established by said act, for the foot-ways thereof; and shall pave, or cause to be paved, passage-ways of at least four feet in breadth across the same, in a line with the several foot-ways paved on the sides thereof, and also all the gutters crossing the same, and the expense thereof shall be allowed to the said supervisors in the settlement of their accounts.

SECT. II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, if any person shall wilfully ride, lead or drive any horse, or shall drive any cart, wagon or other carriage, on, or over any of the paved foot-ways of the aforesaid streets, lanes or alleys, every such person shall for each offence, forfeit and pay any sum not exceeding two dollars, to be sued for, and recovered before any Justice of the Peace; the one moiety or half part, to be paid to the overseers of the poor of the said township, for the use of the poor thereof, and the other half to the person who shall sue for the same.

Penalty for leading or driving horses or carriages on the foot-ways.

Passed 12th February, 1801.—Recorded in Law Book No. VII. page 238.

## CHAPTER MMCLXX.

*An ACT to empower and authorize the Board of Health to dispose of certain property on State Island, and for other purposes.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the Board of Health be, and they are hereby empowered and authorized to sell the Lazaretto on State island, and the ground therewith reserved and therewith occupied, and appropriate the proceeds to the completion of the new one now erecting on Tinicum island.

Sale of the Lazaretto on State island, and appropriation of the proceeds.

Passed 14th February, 1801.—Recorded in Law Book No. VII. page 239.

## CHAPTER MMCLXXI.

*An ACT supplementary to an act, entitled "An Act to prevent intrusions on lands within the counties of Northampton, Northumberland and Luzerne," passed the eleventh day of April, one thousand seven hundred and ninety-five.*

(Ante. page 200.)

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That in all trials on indictments for taking possession of, entering, intruding, or settling on any lands founded on the act to which this act is supplementary, proof that the person indicted, entered into, intruded, settled on, or was in possession of the said land before the time of finding the said indictment, shall be sufficient to convict such person of the offence charged in the indictment, unless the said

Proof on indictments for intruding on lands in Wyoming.

1801. person indicted shall prove that he or she entered upon, took possession of, or settled on such land before the time of the passing of the said act, to which this is supplementary, or that he or she had at the time of his or her entering into, taking possession of, or settling on such land, a good and *bona fide* title to such land derived from, or under this commonwealth, or the proprietors of Pennsylvania before the revolution.

Conviction of a second offence for such intrusions.

Conviction more than twice.

An agent to be appointed to enquire into offences.

His power and duty.

(Repealed.)

Persons coming into certain counties to declare their country, and title to land.

SECT. II. *And be it further enacted by the authority aforesaid,* That if any person shall be convicted of a second offence against the act to which this act is supplementary on an indictment for taking possession of, entering, intruding, or settling on any lands; such person upon such second conviction, shall forfeit and pay the sum of five hundred dollars, one half to the use of the county, and the other half to the use of the informer, and shall also be subject to such imprisonment at hard labour not less than six months, nor exceeding two years as the court before whom such second conviction is had in their discretion shall direct. And if any person shall be convicted as aforesaid more than twice, the court before whom such subsequent conviction is had, may in their discretion adjudge that the person so convicted shall be imprisoned at hard labour for any term not less than two years, nor exceeding seven years, and pay a sum not less than five hundred dollars, nor more than one thousand dollars, one half to the use of the county, and the other half to the use of the informer.

[SECT. III. *And be it further enacted by the authority aforesaid,* That the Governor shall be, and he is hereby authorized and empowered to appoint an agent, whose duty it shall be to make diligent inquiry into all offences committed, or to be committed against the act to which this is supplementary, and for the purpose of making such inquiry the said agent, and all persons acting under his authority shall have power to enter upon any lands within the counties of Northampton, Wayne, Northumberland, Luzerne and Lycoming, and to do any acts necessary for ascertaining the said tract of land on which any intruder lives, or any intrusion has been made. And the said agent shall as quickly as possible, and from time to time, send to the Attorney-General, or his deputy, in the proper county, a written account of the names of all offenders discovered by him together with the names of the necessary witnesses, and the best information in his power, on all matters necessary for prosecuting the offenders, or any or either of them.]

SECT. IV. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, every male person above the age of twenty-one years, who shall come to reside in this commonwealth, within the counties of Wayne, Northampton, Luzerne, Northumberland or Lycoming, shall, within three months from the time of his arrival within the limits aforesaid, deliver to the aforesaid agent, or to the Constable of the township, or to the Sheriff of the county in which he resides, or one of his deputies, a written declaration of his name and place of abode, and of the American state or the foreign country in which he last resided, and also whether he claims any, and if any, what lands within the bounds of the commonwealth under a title derived directly or indirectly, from or through the colony or state of



Connecticut, or the Delaware or Susquehanna company, and every such person who shall not have delivered such declaration within the time aforesaid, shall be subject to the penalty of forty dollars, one half to the use of the county, the other half to the use of the informer, to be recovered before any Justice of the Peace together with legal costs. And every officer aforesaid to whom any such declaration shall be delivered, shall return the same to the next Court of Quarter Sessions to be held in his county, under the penalty of one hundred dollars for every default, to be recovered on conviction on indictment in any Court of Quarter Sessions or of Oyer and Terminer to be held in the proper county, one half to the use of the informer, the other half to the use of the county, and the several Clerks of the Courts of Quarter Sessions, shall carefully preserve among their public papers to be filed and recorded, all declarations delivered to them as aforesaid.

1801.

Penalty for not doing so.

Returns of the declaration to be made to the Quarter-Sessions.

[SECT. V. *And be it further enacted by the authority aforesaid,* That if any person shall resist or obstruct the aforesaid agent, or any person acting under his authority, or under the authority of this act, every person so offending, and every person who shall be an accessory before or after the fact, as also those who shall conspire to resist or obstruct the said agent or any person acting under his authority, or under the authority of this act shall, on conviction forfeit and pay for every such offence, a sum not exceeding one thousand dollars; and shall also be subject to imprisonment at hard labour, for any period not more than seven years, as the court in their discretion shall direct.]

Penalty for obstructing the agent or his deputies.

[Repealed.]

SECT. VI. *And be it further enacted by the authority aforesaid,* That in all actions of ejectment hereafter to be brought in this commonwealth, for any lands to which any title or claim under the colony or state of Connecticut, or under the Connecticut, Susquehanna or Delaware company, is pleaded or drawn into question, the plaintiff may recover by way of damages satisfaction for the mesne profits of the lands recovered in any ejectment down to the time of the entry of judgment in such ejectment.

Mesne profits to be recovered in ejectments.

SECT. VII. *And be it further enacted by the authority aforesaid,* That in all actions of trespass *vi et armis*, hereafter to be brought in this commonwealth, wherein any title or claim under the colony or state of Connecticut, or under the Connecticut, Susquehanna or Delaware company, is pleaded or drawn into question, the plaintiff upon affidavit to be made by himself or any person on his behalf, shall be entitled to hold the defendant to special bail for such sum as shall be directed by any Judge or Justice of the court in which the suit is brought.

Special bail in certain cases.

[SECT. VIII. *And be it further enacted by the authority aforesaid,* That the agent to be appointed in pursuance of this act shall hold his office during the Governor's pleasure, and shall prior to his acting in his office, take an oath or affirmation, that he will diligently and faithfully execute the duties of his office, and the said agent shall receive for his services a yearly compensation of one thousand two hundred dollars, to be paid quarterly.]

Tenure of the agent's office and his compensation.

[Repealed.]

SECT. IX. *And be it further enacted by the authority aforesaid,* That in every such action commenced as aforesaid, the defendant

Pleadings in actions under this act.

1801. shall at the first term put in his plea specifying his title particularly, and if he shall refuse or neglect so to do, judgment shall be had against him as by default.

Provision for calling out the militia to execute this act.

[SECT. X. *And be it further enacted by the authority aforesaid,* That if it shall be made to appear to the satisfaction of the Governor by the oath or affirmation of the said agent, or of any person or persons acting under his authority, or of any other credible person or persons, that the said agent or any person acting under his authority has good reason to apprehend personal danger in the course of the discharge of his duty under this act, it shall be lawful for the Governor, and he is hereby directed to order out a sufficient part of the militia of the commonwealth for the protection of all persons acting under the authority of this act, and the detachments so ordered out shall receive the same pay and rations, and be subject to the same rules and regulations as are provided in other cases.]

Proclamation to be issued by the Governor.

SECT. XI. *And be it further enacted by the authority aforesaid,* That the Governor be, and he is hereby authorized, and directed to issue his proclamation forbidding all future intrusions, and enjoining and requiring all persons who have intruded contrary to the provisions of the act, to which this act is supplementary, to withdraw peaceably from the lands, whereon such intrusions have been made; and enjoining and requiring all officers of government, and all good citizens of the commonwealth, to prevent, or prosecute by all legal means, such intrusions and intruders, and to render in their several capacities the most prompt and effectual aid for carrying into full execution the provisions of this act, and the act to which this is supplementary.

This act to be read in court.

(Obsolete.)

SECT. XII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Prothonotaries of the several Courts of Common Pleas of the counties of Northampton, Wayne, Northumberland, Lycoming, and Luzerne; and they are hereby respectively enjoined and required to read, or cause to be read in open court this act, and the act to which this act is supplementary, at least once in each of the four terms next after receiving it.]

Expenses of this act how to be defrayed.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That all expenses which may arise under this act, shall be paid out of any unappropriated monies, which may be in the state treasury on warrants drawn by the Governor for that purpose.

Passed 16th February, 1801.—Recorded in Law Book No. VII. page 240.

## CHAPTER MMCLXXII.

*An ACT vesting a moiety of one of the city lots therein mentioned in the minister, trustees, elders and deacons of the German reformed congregation, in the city of Philadelphia.*

SECT. 1. [THE moiety of a lot in Philadelphia vested in the German reformed congregation, for a burial ground.]

Passed 19th February, 1801.—Recorded in Law Book No. VII. page 244.



## CHAPTER MMCLXXIII.

1801.

*An ACT to authorize and direct the commissioners of the county of Philadelphia, to sell and convey a certain piece of ground therein described, and for other purposes therein mentioned.*

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the commissioners of the county of Philadelphia, be, and they are hereby authorized to sell and convey, all that part of the public landing, situate on the west side of Front-street, and between Noble and Duke-streets, in the township of the Northern-Liberties, in such manner and way, as a majority of the said commissioners and at least three of the Justices of the Peace of the said county, may conceive will most conduce to the public interest; and to appropriate the proceeds of such sale, in the same manner as the neat proceeds of the rents of the public landings and wharves are appropriated by the third section of the act, entitled "An act respecting the public landings and wharves, in the township of the Northern-Liberties, in the county of Philadelphia," passed the fourth day of April, one thousand seven hundred and ninety-six.*

The commissioners of Philadelphia empowered to sell and convey a part of a public landing in the Northern-Liberties.

Appropriation of the proceeds.

[Ante, pa. 274, chap. 1898.]

Passed 19th February, 1801.—Recorded in Law Book No. VII. page 245.

## CHAPTER MMCLXXIV.

*An ACT for the relief of Peter Wikoff, Jonathan Bayard Smith, and others.*

[See vol. 2, pa. 249-50, (note) and the act of 1st April, 1805, (ch. 2587.)]

WHEREAS it has been represented to the Legislature, that Peter Wikoff, Jonathan Bayard Smith, and others, have received patents from this commonwealth, for certain tracts of land, in pursuance of surveys made before the north line of this state was ascertained by the commissioners appointed for that purpose, and that the said lands have fallen within the state of New-York: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the board of property upon application for that purpose, by Jonathan Bayard Smith, and Peter Wikoff, and others also, whose lands fell within the State of New-York, on running the north boundary line between this state and the said state of New-York, shall ascertain the amount of the payment made by them for the lands as aforesaid, and shall certify the same to the Receiver-General, who shall thereupon deliver a certificate or certificates of such sum, with interest thereon from the time of the payment, to the said Jonathan Bayard Smith, and Peter Wikoff, and others as aforesaid, and enter a credit in his book for the same, which may be transferred to any person, and passed as credit, either in taking out new warrants in any part of the state, where land may be found, or in payment of arrears of former grants.*

Provision to indemnify persons whose lands fall within the state of New-York.

Passed 19th February, 1801.—Recorded in Law Book No. VII. page 245.

1801.

## CHAPTER MMCLXXV.

*An ACT to incorporate a company for the purpose of cutting and making a canal between the river Delaware and the Chesapeake bay, and to authorize the clearing of obstructions in the river Susquehanna, down to the Maryland line, and for other purposes therein mentioned.*

WHEREAS the General Assembly of Maryland, by an act passed on the seventh day of December, in the year of our Lord one thousand seven hundred and ninety-nine, entitled "An Act to incorporate a company for the purpose of cutting and making a canal between the river Delaware and the Chesapeake bay," did enact, that it should be lawful to open books for receiving and entering subscriptions, to the amount of five hundred thousand dollars, in shares of two hundred dollars each share, for the cutting said canal and perfecting the navigation thereof, under the management of certain persons, and at certain places, in the said act for that purpose nominated and appointed, and under the management of such persons and at such places, in Delaware and Pennsylvania, as should be appointed by acts of the Legislature of the said states; and by the said act did also provide and declare, that the same should be of no force or effect, until a law should be passed by the state of Delaware, authorizing the cutting the canal aforesaid, and until a law should be passed by the Legislature of Pennsylvania, declaring the river Susquehanna to be a highway, and authorizing individuals or bodies corporate, to remove obstructions therefrom, at a period not exceeding three years, from the first day of March, eighteen hundred: *And whereas*, it will greatly promote the agricultural interests of this commonwealth, to give to the inhabitants residing on, or near the Susquehanna and the waters which empty themselves therein, a choice of markets for their produce and an easy communication with, and a cheap conveyance to the sea-ports of Maryland, Delaware and Pennsylvania, and the cutting and perfecting the said canal, and clearing the bed of the Susquehanna, will contribute in an important manner to so desirable an end, and will be highly beneficial to the citizens of the said states, and is just and reasonable, that the same should be carried into effect upon the principles of reciprocal advantage to the said states: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* it shall be lawful to open books for receiving and entering subscriptions to the amount of five hundred thousand dollars, in shares of two hundred dollars each share, for the cutting the said canal, and perfecting the navigation thereof, under the management of Levi Hollingsworth, John Hunn, James C. Fisher, Benjamin R. Morgan, and Jonathan Bayard Smith, at the city of Philadelphia; and William Montgomery, and John Haldiman, at the borough of Lancaster; and Robert Harris, at the borough of Harrisburgh, in the county of Dauphin; and Jesse Moore, at the borough of Sunbury, and town of Northumberland, in the county of Northumberland; and Andrew Henderson, at the borough of Huntingdon, in the

Subscription  
for the canal  
between  
Chesapeake  
and Dela-  
ware bays.



county of Huntingdon; and under the management of the persons, and at the places appointed in the act of the Legislature of Maryland, passed on the seventh day of December, in the year of our Lord one thousand seven hundred and ninety-nine, entitled "An act to incorporate a company, for the purpose of cutting and making a canal, between the river Delaware and the Chesapeake bay," or of such other persons, or at such other places, as may be appointed by any future act of the state of Maryland, and of such persons and at such places, as are appointed by an act of the Legislature of the state of Delaware; and the said books shall be opened on the first day of March, one thousand eight hundred and two, and shall continue open till the first day of March, one thousand eight hundred and three, and on the first day of May thereafter, there shall be a general meeting of the subscribers, at the town of Wilmington, in the state of Delaware, of which meeting, notice shall be given in the manner prescribed by the aforesaid act of the Legislature of the State of Maryland, at which meeting the said managers and subscribers shall proceed, and have the same power, and shall do and perform all matters and things as are directed by the said act of the Legislature of Maryland, and not otherwise; which said act shall be attached to and printed with this act: *Provided*, That if the states of Delaware and Maryland shall hereafter, by acts of their Legislatures, limit and appoint any other, and less space of time for keeping open the said subscription books, an earlier time for the first meeting of the subscribers, in that case, such less space of time and such earlier time of meeting, shall be substituted in the place of the times herein before mentioned.

SECT. II. *And be it further enacted by the authority aforesaid*, That in case one half of the said capital, or a greater sum shall be subscribed as is directed in and by the said act of the Legislature of Maryland, herein referred to for that purpose, the said subscribers and their heirs and assigns, from the time of their said first meeting, shall be, and they are hereby declared to be incorporated, by the name of the Chesapeake and Delaware Canal Company, and may have perpetual succession, and sue and be sued as such, and shall have, possess and enjoy, all the rights, powers and privileges; shall choose their president and directors; demand, receive and enforce the payment of tolls, and make dividends thereof; and have all other powers vested in the said corporation, and declared to appertain to the same, in and by the aforesaid recited act of the Legislature of Maryland, in as full and ample a manner, as if the said act was herein set forth, fully and at large, and enacted in the same words by this present Legislature; and shall derive no other powers under this act, but such as are set forth in the said act of the Legislature of Maryland, or necessarily incident to a corporation.

SECT. III. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for an agent or agents, hereafter to be appointed by the Governor of the state of Delaware, to have free access to the papers in the Land-Offices of this commonwealth; and under the superintendence of the principals of said offices, to transcribe and copy, or procure to be transcribed and copied, under the care and direction of the said agent or agents, in one or more

Incorporation of the subscribers:

Provision respecting papers and records in the offices of Pennsylvania, to be copied or delivered to the state of Delaware.

1801.

well bound books in folio, all such warrants, surveys or re-surveys, patents, grants, and other original papers, as may be found in the Land-Office, or in any other public office of this commonwealth, which in any wise relate to, or make the title, or part of the title of lands, tenements, or hereditaments, within the state of Delaware, and which cannot be removed, without injuring or spoiling the records, or other papers in the said office or offices; and also to remove all such original warrants, surveys, re-surveys, patents, grants, and other papers, in the said Land-Office or other offices of this state, which in any wise relate to, or make the title of lands, tenements, or hereditaments, within the said state of Delaware, and which can be removed and separated from the records and papers, in the Land-Office or other offices of this state, without injury to the commonwealth, or citizens of Pennsylvania.

Regulations of the health laws as to vessels stopping in the state of Delaware.

[See the existing health law, passed 17th March, 1806, (chap. 2670,) which repeals the act cited in this section. The proviso in this section was repealed 27th January, 1802, (chap. 2216.)]

The Susquehanna declared a highway, and any persons may remove its obstructions.

Repeal of a former act, so far as it prohibits the removal of obstructions in the Susquehanna.

\*\* Chap. 2088.)

[SECT. IV. *And be it further enacted by the authority aforesaid,* That so much of the act, entitled "An Act for establishing a Health-Office, for securing the city and port of Philadelphia from the introduction of pestilential and contagious diseases," passed the eleventh day of April, one thousand seven hundred and ninety-nine, as subjects vessels with their cargoes, and passengers with their bedding and clothing, stopping and discharging at any port or ports, in the United States, to certain restrictions and regulations, previous to their coming into the county of Philadelphia, be, and the same is hereby repealed, so far as it respects the state of Delaware: *Provided always,* That the vessels, goods, and passengers, with their bedding and clothing aforesaid, coming from any port in the state of Delaware, shall be subject to the same regulations, restrictions, and penalties, as they are, or would be, if they had not stopped, or been landed at any port or place in the United States.]

SECT. V. *And be it further enacted by the authority aforesaid,* That the river Susquehanna down to the Maryland line, shall be, and the same is hereby declared to be a public highway, any act or law of this commonwealth, to the contrary notwithstanding; and it shall and may be lawful for the said Chesapeake and Delaware canal company, or any other body corporate, or individuals, to remove all natural and artificial obstructions therefrom.

SECT. VI. *And be it further enacted by the authority aforesaid,* That so much of "An Act, to enable the Governor of this commonwealth, to appoint commissioners to ascertain the best route for, and mode of effecting a communication between the waters of the Delaware and Chesapeake bays; and appropriating a sum of money for opening the navigation of the river Susquehanna, down to the Maryland line," passed the eleventh day of April, one thousand seven hundred and ninety-nine, as prevents any individual or company, from removing obstructions out of the river Susquehanna, between Wright's ferry and the Maryland line, be, and the same is hereby repealed.\*

Passed 19th February, 1801.—Recorded in Law Book No. VII. page 246.



## CHAPTER MMCLXXVI.

1801.

An ACT to re-annex part of Franklin township, in the county of Westmoreland, to the fifth election district in said county.

SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all that part of Franklin township, in the county of Westmoreland, that lies south of the new Frankstown road, be, and it is hereby re-annexed to the fifth election district, in said county; and the electors thereof shall hold their elections at the court-house, in the borough of Greensburg, any thing in any former law or laws, to the contrary notwithstanding.

The fifth election district enlarged.

Passed 21st February, 1801.—Recorded in Law Book No. VII. page 249.

## CHAPTER MMCLXXVII.

An ACT to erect the county of Warren, and parts of Crawford and Venango counties, into separate election districts.

SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the county of Warren shall be and the same is hereby erected into a separate election district; and the electors thereof shall hold their general elections at the house now occupied by Robert Andrews, in said county; and to be called the first district, any law to the contrary hereof notwithstanding.

The first election district of Warren county.

SECT. II. And be it further enacted by the authority aforesaid, That such parts of Crawford and Venango counties, as are included within the following bounds, viz. Beginning at the north-west corner of a tract of land, surveyed in the name of Andrew Cress; thence north along the line of district No. 7, to the most southerly line of Warren county; thence east along the line of said county of Warren, to the Allegheny river; thence down the said river, to the north-east corner of a survey, in the name of Adam Felt; thence west a direct line, to the place of beginning; shall be, and the same is hereby erected into a separate election district; and the electors thereof shall hold their elections at the house now occupied by Joel Greene, in said district, any law to the contrary notwithstanding.

Part of Crawford county erected into an election district.

Passed 21st February, 1801.—Recorded in Law Book No. VII. page 250.

## CHAPTER MMCLXXIX.

An ACT to authorize the erection of a bridge over the Little Juniata river, in the county of Huntingdon.

WHEREAS a number of the inhabitants of the county of Huntingdon, have by their petition to the Legislature prayed for

1801. permission to erect a bridge across the Little Juniata, about forty or fifty perches above George Ewy's mill. And as it appears to the Legislature that a bridge at the place aforesaid, would be a great conveniency for persons travelling from the upper part of the county of Huntingdon to the seat of justice: Therefore,

Provision for erecting a bridge over Little Juniata.

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the inhabitants of the county of Huntingdon to erect and build a good and substantial bridge over and across the Little Juniata river, at or near George Ewy's mill, in the county of Huntingdon: Provided always, That the said bridge shall not injure or impede the navigation of the said river.*

If erected on a highway, the bridge shall be kept up and repaired as other roads.

SECT. II. *And be it further enacted by the authority aforesaid, That if the said bridge is built upon any road or highway, laid out or to be laid out by the authority of the Court of Quarter Sessions of the Peace in and for the said county of Huntingdon, and the same shall be approved of by the Court of Quarter Sessions of the Peace and Grand Jury of the said county, the same shall be kept up, maintained, and repaired, as other roads, highways and bridges are maintained, kept up, and repaired.*

Passed 21st February, 1801.—Recorded in Law Book No. VII. page 253.

## CHAPTER MMCLXXXI.

[Vol. I, p. 296.]

*An ACT for extending the limits of the borough of Bristol, in the county of Bucks, and for other purposes.*

SECT. 1. [BOUNDARIES of the borough of Bristol extended. 2. Power of the corporation to regulate streets and alleys, and all the powers vested in them by the original charter, (and see vol. 2, page 343.)]

Passed 23d February, 1801.—Recorded in Law Book No. VII. page 254.

## CHAPTER MMCLXXXII.

*An ACT authorizing the Governor to appoint commissioners to ascertain the boundary lines between the counties of Northumberland, Lycoming and Luzerne.*

(Obsolete.)

Commissioners to be appointed to run the boundary between Northumberland and Luzerne.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the Governor be, and he is hereby authorized to appoint three commissioners, for the purpose of running, ascertaining and marking, the lines of Lycoming county, so far as the same is bounded by the counties of Northumberland and Luzerne; agreeably to the act, entitled "An act for erecting part of the county of Northumberland and Luzerne, into a separate county,"\* passed the thirteenth day of April, one thousand seven hundred and ninety-five.]*

(\*Ante. pa. 220, chap. 1823.)



SECT. II. *And be it further enacted by the authority aforesaid,* 1801.  
That it shall be the duty of the said commissioners, to make out duplicate plots of the said division lines, so as aforesaid by them run and marked, which shall be certified by them, or any two of them; and shall deposit one of each, with the Recorder of deeds of each county, so bounded by the lines aforesaid, in order that the same may become of record.

Duplicate plots to be made and filed in the respective counties.

[SECT. III. *And be it further enacted by the authority aforesaid,* How the expense shall be paid.  
That the expenses attending the execution of this act, shall be paid by the respective county Treasurers, in proportion as the lines so run, shall bound either of them; for which purpose the county commissioners are hereby authorized to draw warrants on their respective Treasurers, in favour of the said commissioners appointed as aforesaid.] (Obsolete,)

Passed 23d February, 1801.—Recorded in Law Book No. VII. page 255.

### CHAPTER MMCLXXXIII.

*A further SUPPLEMENT to the act, entitled "An act for directing the mode of distributing the donation lands promised to the troops of this commonwealth."* (See vol. 2, pa. 290, chap. 1128, and the notes thereto.)

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That, the Comptroller-General shall furnish to the Secretary of the Land-Office, a list of the names of those persons, whose lots, in running the boundary line of this state, fell into the state of New-York, who have received no equivalent; and also a list of the number of lots reserved in lieu thereof, agreeably to an act passed the thirtieth day of September, one thousand seven hundred and ninety-one; to which shall be added, eight lots to be taken from the undrawn lots in any district such applicant shall choose, not already appropriated, from which lots, the said persons shall choose other lots instead of those they have lost, and shall have priority in the order in which they apply: *Provided,* Such application is made within three years from the passing of this act, personally by the applicant himself, or his widow or children, or by his, her or their attorney; and if any fraud should be suspected by the Secretary of the Land-Office, or if any difference should arise between applicants, the Board of Property shall investigate and decide as in other cases: and it shall be the duty of the Secretary of the Land-Office, to call on the attorney so applying, to declare on oath or affirmation, that he hath no interest in the claim, otherwise than to serve the applicant.

Provision for certain claimants for donation lands, which fell within New-York.

SECT. II. *And be it further enacted by the authority aforesaid,* That the Comptroller-General shall furnish the Secretary of the Land-Office, with a list of the names of all those persons, who have heretofore drawn lots, under the former laws directing the manner of distributing the donation land, and who have not received patents for the same, together with the number of the survey and district which hath been drawn opposite to their names; and it shall be the

Patents to issue for donation lands.

1801. duty of the Secretary of the Land-Office, on application as aforesaid, to cause patents to issue for the lots respectively corresponding to the numbers so drawn; which patents shall be provided and printed upon parchment, at the expense of the state; and upon any apprehension of fraud, or if any difference should arise between parties applying, the Board of Property is hereby directed to decide as in other cases.

Mode of proceeding at the Board of Property in claims for donation lands.

(\*Vol. 2, pa. 290.)

SECT. III. *And be it further enacted by the authority aforesaid,* That the Board of Property, be, and is hereby directed to proceed on all applications made, or to be made by persons intended to be embraced within the provisions of this act, in the same manner as is directed by the thirteenth section of the act, entitled "An act for the distribution of donation lands promised to the troops of this commonwealth," passed the twenty-fourth of March, one thousand seven hundred and eighty-five;\* and when the lots shall have been drawn as aforesaid, the Secretary of the Land-Office, on application made within the time, and in the manner prescribed by the first section of this act, shall grant patents to such persons, under the inspection of the Board of Property, in the same manner as the Executive Council was directed by the above recited act, and without any charge of office fees: *Provided always,* That nothing in this act contained, shall be construed so as to defeat or impair any right to donation lands, acquired by persons entitled to the same, who have not yet received any equivalent, and who have applied within the time, and in the manner prescribed by the several acts heretofore passed, for the distribution of donation lands.

Passed 23d February, 1801.—Recorded in Law Book No. VII. page 256.

## CHAPTER MMCLXXXIV.

*An ACT directing the place of holding the elections in Londonderry township, in the county of Bedford.*

Place for holding elections in Londonderry township, Bedford county.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the electors of Londonderry township, in the county of Bedford, shall hold their elections at the house now occupied by Andrew Shearer, within said township, any former law to the contrary thereof notwithstanding.

Passed 23d February, 1801.—Recorded in Law Book No. VII. page 257.

## CHAPTER MMCLXXXVII.

*An ACT empowering the ministers, vestry-men and church-wardens, of the German Lutheran congregation, in and near the city of Philadelphia, to convey by deed of gift, the church and glebe-land, with the appurtenances, known by the name of Barren-hill church, situate in the township of Whitmarsh, in the county of Montgomery, to certain persons therein named.*

SECT. 1. [THE corporation of the German Lutheran congregation empowered to grant and convey Barren-hill church, to cer-



tain trustees, as joint tenants, in trust for the use of the German Lutheran congregation at Barren-hill.] 1801.

Passed 25th February, 1801.—Recorded in Law Book No. VII. page 260.

## CHAPTER MMCLXXXVIII.

*An ACT altering certain election districts in the counties of Mifflin, and Centre.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the electors of Lack township district, in the county of Mifflin, shall hold their general elections, at the merchant mill of Dr. Thomas Laughlin, in the town of Waterford, in said district. Place for holding elections in Lack township, Mifflin county.

SECT. II. *And be it further enacted by the authority aforesaid, That* from and after the passing of this act, the electors of Union township district, in the county of Mifflin, shall hold their general elections, at the house now, or late occupied by John Reed, in the town of Bellville, in the said district. And also of Union township.

SECT. III. *And be it further enacted by the authority aforesaid, That* from and after the passing of this act, the townships of Potter and Ferguson, in Centre county, shall be an election district, to be called the second election district; and the electors thereof shall hold their elections at the house now occupied by John Benner, in Potter's township aforesaid. The second election district of Centre county.

SECT. IV. *And be it further enacted by the authority aforesaid, That* from and after the passing of this act, the townships of Patton and Warriormark, in Centre county, shall be annexed to the first election district; and the electors thereof shall hold their elections, with the electors of the townships of Spring and Centre, at the place where the courts are held, in the town of Bellefont, any law to the contrary notwithstanding. The townships of Patton and Warriormark, Centre county, annexed to the first election district.

Passed 25th February, 1801.—Recorded in Law Book No. VII. page 265.

## CHAPTER MMCXCV.

*An ACT to enlarge two election districts, and to change the place of holding elections of the second district, in the county of Lycoming.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* those parts of Muncy township, on the west of a line to begin at the mouth of Workman's run; thence up the said run to the head waters thereof; thence a due north course to the county line, shall be annexed to the first election district; and the electors thereof The first election district of Lycoming county enlarged.

1801. shall hold their elections at the county court-house, at Williamsport.

Place of election in the second district.

SECT. II. *And be it further enacted by the authority aforesaid,* That the residue of the electors of Muncy township, and those townships composing the second election district, shall hold their elections at the house now occupied by Jacob Mirril, in the town of Pennsburgh, in Muncy creek township.

The Fourth election district enlarged.

SECT. III. *And be it further enacted by the authority aforesaid,* That those parts of Bald-Eagle township, included within the bounds of said county, shall be annexed to the fourth election district, and the electors thereof shall hold their elections at the house lately occupied by Hugh Andrews, in the town of Dunsburgh.

Passed 26th February, 1801.—Recorded in Law Book No. VIII. page 2.

## CHAPTER MMCXCVI.

(Chap. 834.)

*An ACT to repeal an act, entitled “An Act for the regulation of the Markets in the city of Philadelphia, and for other purposes therein mentioned,” passed the fifth day of April, one thousand seven hundred and seventy nine.*

Repeal of an act for regulating the Philadelphia market.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the act, entitled “An act for the regulation of the markets in the city of Philadelphia, and for other purposes therein mentioned,” passed the fifth day of April, one thousand seven hundred and seventy-nine, be, and is hereby repealed.

Passed 26th February, 1801.—Recorded in Law Book No. VIII. page 2.

## CHAPTER MMCXCVII.

(Ante. page 191.)

*A SUPPLEMENT to the act, entitled “An Act to enable the Governor of this commonwealth to incorporate a company for making an artificial road from the borough of Lancaster to the river Susquehanna, at or near Wright’s ferry.”*

**FOR** the more effectual preventing evasions of the salutary regulations intended in, and by the act incorporating a company for making an artificial road, from the borough of Lancaster to the river Susquehanna, at or near Wright’s ferry.

Penalty for frauds on the turnpike road from Lancaster to Wright’s ferry.

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That if any person or persons whomsoever, owning, riding in, or driving any sulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled, or other carriage of burthen or pleasure, or owning, riding, leading or driving, any horse, mare, gelding, hogs, sheep or other



cattle, shall therewith pass through any private gate or bar, or along or over, any private passage-way, or other ground near to or adjoining any turnpike or gate, which shall be erected in pursuance of the act, to which this is a supplement, with an intent to defraud the company, and evade the payment of the toll or duty for passing through any such gate or turnpike, or if any person or persons shall with such intent take off, or cause to be taken off, any horse, mare, gelding, or other cattle, from any sulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burthen or pleasure, or practise any other fraudulent means or device, with the intent that the payment of any such toll or duty, may be evaded or lessened, or if any person or persons having, claiming or taking the benefit of any exemption or privilege by virtue of this act, or of the said recited act, or any clause, matter or thing herein or therein contained, not being entitled thereto, or committing any fraud or abuse thereof, either by him, her or themselves, or by giving any license to any other person or persons not entitled to such privilege or exemption, whereby or by means whereof, the said tolls or duties might be lessened or evaded, or with any such intent, all and every person and persons, in all and every or any of the ways or manners aforesaid offending shall for every such offence respectively, forfeit and pay to the president, managers and company, of the Lancaster and Susquehanna turnpike road, any sum not less than four nor more than fifteen dollars, to be sued for and recovered with costs of suit before any Justice of the Peace, in like manner and subject to the same rules and regulations, as debts under twenty pounds may be sued for and recovered.

SECT. II. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully break, deface, or pull up any mile-stone which shall be placed in pursuance of the said recited act, on the side of the road laid out in pursuance thereof, or shall obliterate the letters or figures inscribed thereon or therein, or if any person or persons shall break, pull down, destroy or injure any post to be erected in pursuance of the said recited act at the intersection of any road falling into, and leading out of the said turnpike road, or the board or index-hand affixed thereto, in conformity to the directions of the said recited act, or if any person or persons shall obliterate the letters or figures inscribed or fixed thereon, or if any person or persons shall destroy or obliterate, or in any wise injure or deface the letters, figures or other characters marked at any turnpike or gate, to be erected in pursuance of the said recited act, for all or any of the purposes therein mentioned, or the whole or any part or parts of any printed list of the rates of tolls to be affixed in pursuance of the directions of the said recited act at any such gate or turnpike, he, she or they, so offending in the premises, shall for every such offence, severally and respectively forfeit and pay to the said president, managers and company, the sum of twenty dollars, to be sued for and recovered with costs of suit before any justice of the peace, in like manner as aforesaid.

Penalty for breaking or defacing mile-stones, index posts or turnpike gates.

SECT. III. *And be it further enacted by the authority aforesaid,* That for the purpose of ascertaining the weight that may be drawn along the said road in any cart, waggon, or other carriage of bur-

Scales and weights to be established at certain

1801. *turnpike gates.* then, it shall and may be lawful for the said president, managers and company, to erect and establish scales and weights, at or near such and so many of the gates to be erected in pursuance of the said recited act as they may think proper, and where there may seem reasonable cause to suspect that any cart, waggon, or other carriage of burthen, carries a greater weight than is or shall be by law allowable, for their toll-gatherers or other persons in their service or employment, to prevent the same from passing such gate or turnpike, until such cart, waggon or other carriage of burthen, shall be drawn into the scales, fixed or erected at or near any such gate or turnpike, and the weight or burthen drawn therein ascertained by weighing, and if the person or persons driving or having care or charge of any such cart, waggon or other carriage of burthen, shall refuse to drive the same into any such scales for the purpose aforesaid, the person or persons so refusing shall forfeit and pay to the said president, managers and company, any sum not less than five nor more than ten dollars, to be recovered in the manner herein before mentioned.

*Limitation of suits brought under this act.*

SECT. IV. *And be it further enacted by the authority aforesaid,* That if any action or suit shall be brought or prosecuted by any person or persons, for any thing done in pursuance of this or the said recited act, in relation to the premises, every such suit or action shall be commenced within six months next after the fact committed, and not afterwards, and the defendant or defendants in such action or suit may plead the general issue and give this and the said recited act, and the special matter in evidence, and that the same was done in pursuance and by the authority of this and the said recited act.

*Power of the corporation to lease the tolls.*

SECT. V. *And be it further enacted by the authority aforesaid,* That the president and managers of the said turnpike road, for the time being, shall and may and they are hereby authorized and empowered to grant, demise and to farm-let to any person or persons with whom they can agree, the tolls and duties which they by virtue of the act incorporating them, or by any supplementary act are authorized to demand and receive for passage in, upon and along the said road, at any gate or turnpike over or by the side of the same road, or any part of the same, for any term not exceeding seven years, under such rents and convenient reservations and conditions, as the said president, and managers at any meeting of their board shall agree upon, which grants and demises shall have the same construction, force and effect, as other the like grants and demises made between private persons have and receive at law.

Passed 25th February, 1801.—Recorded in Law Book No. VIII. page 3.

## CHAPTER MMCXCIX.

*An ACT to erect the townships of Salisbury and Sudsbury, in the county of Lancaster, into a separate election district.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assem-*



bly met, and it is hereby enacted by the authority of the same, That 1801.  
 the township of Salisbury and Sadsbury, in the county of Lancaster, are hereby erected into a separate election district, to be called the eighth election district, and the electors thereof shall hold their elections at the house now occupied by John Young, on the turnpike road, in Salisbury township, any thing in any law to the contrary notwithstanding.

The eighth election district of Lancaster county.

Passed 27th February, 1801.—Recorded in Law Book No. VIII. page 7.

## CHAPTER MMCC.

*An ACT declaring the rivers Codorus and Conewago, in the county of York, public highways, and for other purposes therein mentioned.*

**WHEREAS** it has been represented to the Legislature of this commonwealth by a number of the inhabitants of York county, living on and near the rivers Codorus and Conewago, that it would be of public utility to have the said rivers declared public highways: Therefore,

**SECT. I.** *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the river Codorus, in the county of York, from the forks thereof to the river Susquehanna; and the river Conewago in the same county, from the mouth of the Bermudian creek, to the same river Susquehanna, shall be, and are hereby declared public highways.

Parts of Codorus and Conewago declared highways.

**SECT. II.** *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the inhabitants desirous of using the navigation and improving the fisheries in the said rivers, to remove under the orders and direction of the supervisors herein after named and appointed, or their successors in office, all natural and artificial obstructions, out of the river Codorus below the forks thereof; and out of the Conewago below the mouth of Bermudian creek, except dams for mills or other water works; at which it shall and may be lawful to erect such slopes and locks as may be necessary for the passing of boats and fish through the same: *Provided,* Such slopes and locks be so constructed, as not to impair or injure the works of said dams.

Obstructions in the said rivers how removeable.

**SECT. III.** *And be it further enacted by the authority aforesaid,* That nothing contained in this act, shall be deemed, taken or understood to prevent any person or persons possessing lands on either side of said rivers, who before the passing of this act had authority to erect a dam or dams, under the laws of this commonwealth, from erecting such dam or dams: *Provided,* The same are made tumbling dams, or at least the space of forty feet thereof with a slope of ten feet down the stream of said river, for every foot the said dam or dams may be in heighth from low water mark, for the waters gradual descent, which slope or platform shall be made tight and paved on the surface with stone, so as to prevent the water

Provision in favour of previous rights to erect dams on certain conditions.

1801.

from sinking through the same, and in every such tumbling dam, or where only forty feet thereof is made into a slope, fifteen feet part thereof shall be at least fifteen inches lower than any other part of said dam, or so low that there may be at least twelve inches depth of water constantly running through and over the same, during the months of February, March, April, May and June in every year, for the more easy passing and repassing of boats and fish through the same; and if said dams be not made tumbling dams the whole way across the said rivers, but only for the space of forty feet as aforesaid, the supervisors of the respective rivers herein after named and appointed, or any one of them shall direct on which side of the rivers the slopes shall be made, as also at what part the surface of the dams shall be made lower as aforesaid, in order that the ends hereby intended may be more fully answered.

Supervisors  
of the Codo-  
rus.

SECT. IV. *And be it further enacted by the authority aforesaid,* That George Hay, Martin Wiser, and Baltzer Kunkle, be, and they are hereby nominated and appointed supervisors for the river Coderus; and John Sharp, William Ross, and James McMillen, be, and they are hereby nominated and appointed supervisors of the river Conewago, and if any of said supervisors should remove, refuse to act, or shall die, then the judges of the court of general quarter sessions of the peace for said county of York, are hereby empowered and required on application to them made, to nominate and appoint such other supervisor or supervisors, to supply such vacancy or vacancies from time to time as occasion may require.

Proceedings  
against per-  
sons trans-  
gressing the  
provisions  
of this act.

SECT. V. *And be it further enacted by the authority aforesaid,* That on complaint of any person or persons to the judges of the court of quarter sessions of said county, that any dam or dams hereafter to be erected is or are not constructed agreeably to the directions and provisions of this act, it shall and may be lawful for the said judges to appoint three commissioners to view every such dam or dams, from time to time, and to compare them or either of them with the limitations and provisions of this act, and report to the said judges at their next sessions, the state thereof; which report on oath or affirmation of such commissioners, if it contain a statement of facts constituting an offence against this act, shall be sufficient ground for the court to direct an indictment to the grand jury, and upon prosecution to conviction of an offence against this act, the party or parties convicted, shall be liable to pay a fine not exceeding one hundred and fifty dollars at the discretion of the court, and the said court shall adjudge so much of said dam or dams to be abated and altered, at the expense and charges of the owner or owners thereof as shall bring the same within the limitations and provisions of this act, which fines shall be paid to the supervisors for the time being, of the said river wherein the offence shall be committed, who are hereby empowered to apply the same for clearing and improving said river.

Penalty for  
obstructing  
the naviga-  
tion and fish-  
eries in the  
rivers.

SECT. VI. *And be it further enacted by the authority aforesaid,* That if any person or persons whomsoever, from and after the passing of this act, shall erect, build, set up, repair or maintain, or shall be aiding, assisting, or abetting, in erecting, building, setting up, repairing or maintaining within the parts of said rivers hereby de-



clared public highways, any wear, rack, basket, fishing dam, pound, or fix or fasten any net or nets, or brush across the said river or rivers, or across any slopes on dams, thereby obstructing the navigation or preventing the fish from going up, every such person so offending being legally convicted thereof, before any justice of the peace of said county, (who is hereby authorized to hear and determine the same) shall forfeit and pay any sum not less than four, nor more than twenty dollars for every such offence, one moiety thereof to the informer, and the other moiety thereof to be paid to the supervisors of the river in which the offence shall have been committed, to be applied as aforesaid.

SECT. VII. *And be it further enacted by the authority aforesaid,* That at any time after the said dams shall be altered as aforesaid, and made agreeably to the true intent and meaning of this act, it shall and may be lawful for every such owner of a dam, if he or they find it necessary, to make a sluice in the slope or opening of his dam; *Provided,* That no owner or occupier of such dam or dams, shall keep the sluice shut during the months of February, March, April, and May, in any year, under the penalty of two dollars for every day or night the sluice shall remain shut in the months aforesaid, which said fine shall be recovered before any justice of the peace within said county, one moiety thereof to be paid to the informer, and the other moiety to the supervisors as aforesaid, to be applied as aforesaid.

Sluices may be made in dams, provided they are kept open at certain times under a penalty.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That if any person or persons, shall draw or cast any seine or net, or brush net, or shall be aiding and assisting therein, within the described parts of said rivers, from and after the first day of June, to the first day of February in every year, every such person so offending, being legally convicted thereof before any justice of the peace in manner aforesaid, shall forfeit and pay a fine of six dollars for every such offence, one moiety thereof to the informer, and the other moiety to the supervisors as aforesaid, to be applied as aforesaid.

Penalty for fishing at certain seasons.

Passed 27th February, 1801.—Recorded in Law Book No. VIII. page 7.

## CHAPTER MMCCII.

*An ACT erecting two election districts in the county of Mercer, and for other purposes.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the township of Salem, in the county of Mercer, be, and the same is hereby erected into a separate election district, to be called the seventh district, and the electors thereof, shall hold their general elections, at John Williamson's mill, in said township.

The seventh election district of Mercer county.

SECT. II. *And be it further enacted by the authority aforesaid,* That so much of the county of Mercer, lying west of the donation

The eighth district.

1801. land, to the state line, be, and the same is hereby erected into a separate election district, and the electors thereof, shall hold their general elections, at the dwelling house now occupied by Benjamin Bently in said district, and to be called the eighth district.

Transfer of  
place of elec-  
tion from  
Elliot's to  
Stokely's :

SECT. III. *And be it further enacted by the authority aforesaid,* That those citizens of Mercer county, who have heretofore held their elections at the house of John Elliot, and which may not be included in the district in which the citizens are authorized to hold their elections at the house now occupied by Benjamin Bently, shall be, and hereby are annexed to the district which held their elections, at the house now occupied by Benjamin Stokeley : and that the inhabitants of Beaver county, who have heretofore held their elections at the house of John Elliot, shall hereafter be annexed to the district which holds their elections at the town of Beaver.

and Beaver  
town.

Passed 27th February, 1801.—Recorded in Law Book No. VIII. page 14.



# A C T S

OF THE

## General Assembly of Pennsylvania.

Passed during the twelfth General Assembly, which commenced 1st December, 1801, and ended 6th of April, 1802.

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THOMAS M'KEAN, GOVERNOR.

SAMUEL MACLAY, Speaker of the Senate until the last day of the Session, when John Pearson was chosen Speaker, upon the resignation of Samuel Maclay.

ISAAC WEAVER, JUNR. Speaker of the House of Representatives.

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1802.

### CHAPTER MMCCV.

*An ACT altering the manner of electing a Treasurer of the corporation of the city of Philadelphia..*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* so much of the fourth section of an act of Assembly, passed on the eleventh day of April, one thousand seven hundred and ninety-nine,\* entitled "An Act to supply certain defects in the acts incorporating the city of Philadelphia and sundry towns and boroughs within this commonwealth, and to explain and amend an act, entitled "An Act to alter and amend the several acts of the General Assembly of this commonwealth, incorporating the city of Philadelphia and for other purposes;" as provides that the treasurer of the corporation of the city of Philadelphia shall be appointed as heretofore, be, and the same is hereby repealed.

Repeal of  
part of former law.

[\* Ante. p. 390.]

SECT. II. *And be it further enacted by the authority aforesaid, That from and after the passing of this act, the Treasurer of the said corporation shall be appointed annually by the joint votes of the members of the Select and Common Councils of the said city, in the same manner as the constitution of this commonwealth prescribes for the appointment of the State-Treasurer, and not otherwise, any law to the contrary notwithstanding.*

Treasurer to  
be appointed  
by joint vote.

Passed 7th January, 1802.—Recorded in Law Book No. VIII. page 17.

1802.

## CHAPTER MMCCVI.

*An ACT for the establishment of a college at Canonsburg, in the county of Washington, in the commonwealth of Pennsylvania.*

SECT. 1. [A COLLEGE erected at Canonsburg, and trustees appointed. 2. Trustees incorporated, by the name of "The Trustees of Jefferson College, in Canonsburg, in the county of Washington," with the usual corporate privileges. 3. Corporation to meet yearly. 4. Style of the masters, prescribed, and powers of the faculty defined, and to grant degrees in the liberal arts, &c. All persons of every religious denomination may be elected trustees, &c. 5. Number of clergymen appointed trustees, to be kept up. Gifts, devises, &c. to be construed favourably. Constitution not to be altered, but by act of the Legislature. 6. Corporate seal and powers, and quorum to do business, to be at least eleven trustees. 7. The property of Canonsburg academy vested in the trustees of the college. 8. Manner of qualifying the trustees, to be, as directed by the eighth article of the constitution of the state, and act of Congress of 1st June, 1789, &c.]

Passed 15th January, 1802.—Recorded in Law Book No. VIII. page 19. (u)

(u) By the act granting a sum of money to the trustees of the academy at Canonsburg, which is hereby dissolved, a number of poor children were to be admitted into the academy, at no time greater than two, nor to be continued longer than two years. This act was passed 13th March, 1800, (chap. 2122.)

## CHAPTER MMCCVII.

*An ACT to erect Penn township in the county of Northampton, into a new election district.*

SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the township of Penn, in the county of Northampton, shall be a separate election district, to be called Penn district; and the electors thereof shall hold their general elections at the house now occupied by George Simon Wehr, in said township.

Passed 15th January, 1802.—Recorded in Law Book No. VIII. page 18.

## CHAPTER MMCCVIII.

*An ACT to erect a new election district in the county of Somerset.*

SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the township of Southampton, in the county of Somerset, shall be an election district; and

New election district erected in Northampton county.

An election district established in Somerset county.



the electors thereof shall hold their general elections at the house now occupied by Andrew Emrick, in said township of Southampton.

Passed 15th January, 1802.—Recorded in Law Book No. VIII. page 19.

## CHAPTER MMCCIX.

*An ACT to erect Half-moon and Patton townships, in the county of Centre, into a new election district.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the townships of Half-moon and Patton, in the county of Centre, shall be a separate election district; and the electors thereof shall hold their general elections at the house now occupied by Abraham Elder, in Half-moon township.

A new election district erected in Centre county.

Passed 19th January, 1802.—Recorded in Law Book No. VIII. page 24.

## CHAPTER MMCCX.

*An ACT for erecting two election districts in the county of Montgomery.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the townships of Limerick, Skippack and Perkiomen, and that part of Providence township, which lies west of Skippack and Perkiomen creeks, shall be a separate election district, to be called the seventh district; and the electors thereof shall hold their general elections at the house now occupied by David Dewees, in the township of Providence aforesaid.

The seventh election district established in Montgomery county.

SECT. II. *And be it further enacted by the authority aforesaid, That* the townships of Upper-Hanover, Marlborough, Upper-Salford and Franconia, in the county aforesaid, shall be a separate election district, to be called the eighth district; and the electors thereof shall hold their general elections at the house now occupied by John Scheid, in Summeny town, in Marlborough township aforesaid.

The eighth election district established.

Passed 19th January, 1802.—Recorded in Law Book No. VIII. page 23.

## CHAPTER MMCCXI.

*A SUPPLEMENT to the act, entitled "An act to erect the town of Sunbury, in the county of Northumberland into a borough."*

[Ante, p. 286, chap. 1926.]

SECT. 1. [AN additional privilege granted to the inhabitants of the borough of Sunbury to hold fairs.]

Passed 22d January, 1802.—Recorded in Law Book No. VIII. page 26.

1802.

## CHAPTER MMCCXII.

[Anfe. pa.  
262, chap.  
1859.]

*A SUPPLEMENT to the act entitled "An act to erect part of Washington county, into a separate county."*

Alteration in  
the line be-  
tween the  
counties of  
Washington  
and Greene.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the following alteration shall take place in the line between the counties of Washington and Greene, viz. beginning at the present line, on the ridge that divides the waters of Ten-mile and Whelen creeks, near Jacob Bobbett's; thence a straight line to the head waters of Hunter's fork of Whelen creek; and thence down the same, to the mouth thereof, where it meets the present county line.

So much of  
the county of  
Greene as is  
re-united to  
Washington  
county, to  
what town-  
ships annex-  
ed.

SECT. II. *And be it further enacted by the authority aforesaid, That* from and after the passing of this act, so much of the county of Greene, which by this act is re-united to the county of Washington, as lies west of the road, called Ryerson's road, is hereby annexed to Findley township; and shall, hereafter, be a part of the district called Stevenson's election district; and that part thereof, which lies east of said road, is hereby annexed to Morris township, and shall hereafter be a part of the Washington election district, any thing in any former law, to the contrary, in any wise notwithstanding.

Commission-  
ers to be ap-  
pointed to  
run the new  
boundary  
line.

SECT. III. *And be it further enacted by the authority aforesaid, That* the Governor is hereby authorized and required, to appoint two commissioners, to run and mark the aforesaid line, according to the directions of this act, who shall make report of their proceedings, under hand and seal, to the Prothonotaries of the said counties of Washington and Greene, on or before the first day of June next, who shall file the same in their respective offices; and the expense of running, and marking the said alterations, in the aforesaid line, shall be paid, one half out of the treasury of the county of Washington, and the other half out of the treasury of the county of Greene.

Passed 22d January, 1802.—Recorded in Law Book No. VIII. page 24.

## CHAPTER MMCCXIII.

[See chap.  
1083 vol. 2,  
pa. 102, and  
the notes  
thereto.]

*An ACT limiting the operation of caveats entered in the Land-Office of this commonwealth, against the issuing of patents.*

WHEREAS the provision heretofore made by law, for allowing caveats to be entered in the Land-Office of this commonwealth, against the issuing of patents, has in many instances produced great inconvenience and embarrassment, to warrantees and purchasers, as well as delay in completing titles to lands, by suffering the said caveats to remain as a bar, for an indefinite length of time, without any process had thereon: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assem-*



*bly met, and it is hereby enacted by the authority of the same, That* 1802.  
 no caveat or note on survey, now on record, or otherwise, either in  
 the office of the Secretary, or in the office of the Surveyor-General  
 of the Land-Office, for this commonwealth, shall continue to bar  
 the issuing of a patent or patents, to those, or their legal represen-  
 tatives, against whom the same has been entered, during a longer  
 term than two years, from and after the passing of this act; unless  
 the person or persons, who has or have entered such caveat or note,  
 or his, her or their legal representative or representatives, or others,  
 holding or claiming the estate, shall within the said term of two  
 years, take out a citation and prosecute the same to effect.

Limitation of  
 the operation  
 of caveats  
 now on re-  
 cord.

SECT. II. *And be it further enacted by the authority aforesaid,* Limitation of  
 That no caveat, note on survey, or writing in the nature of a caveat, the operation  
 hereafter to be entered in either of the offices of the Land-Office of of caveats  
 this commonwealth, shall continue to bar the issuing of a patent, to hereafter to  
 the person or persons, or his, her or their legal representative or be entered.  
 representatives, against whom such caveat may be entered, during  
 a longer period than two years from the entry of such caveat, in the  
 Land-Office aforesaid; unless the party or parties, interested in the  
 land, or his, her or their agent or agents, assignee or assignees,  
 shall, within the term aforesaid, take out a citation thereon, in or-  
 der to bring such dispute to a decision, and prosecute the same to  
 effect.

[SECT. III. *And be it further enacted by the authority aforesaid,* An abstract  
 That it shall be the duty of the Secretary of the Land-Office, to of this act to  
 publish an abstract of this act, in one or more of the public news- be published,  
 papers of Philadelphia, Lancaster, Harrisburgh and Pittsburgh, for &c.  
 the period of six weeks, from and after the passing of this act.] [Obsolete.]

Passed 22d January, 1802.—Recorded in Law Book No. VIII. page 25.

## CHAPTER MMCCXIV.

*An ACT to repeal part of an act, entitled “An act to prevent the* (Vol. 1, page  
*destruction of rock-fish and oysters.”* 313.)

SECT. I. *BE it enacted by the Senate and House of Repre-*  
*sentatives of the commonwealth of Pennsylvania, in General Assem-*  
*bly met, and it is hereby enacted by the authority of the same, That*  
 so much of the act, entitled “An act to prevent the destruction of  
 rock-fish and oysters,” passed the ninth day of March, in the year  
 of our Lord one thousand seven hundred and seventy-one; as re-  
 lates to the offering for sale any rock-fish under a certain described  
 size therein mentioned, be, and the same is hereby repealed.

Part of a for-  
 mer law re-  
 pealed.

Passed 26th January, 1802.—Recorded in Law Book No. VIII. page 28.

## CHAPTER MMCCXVI.

*An ACT to alter and amend the health-laws of this state, so far as* [Ante. pa.  
*respects vessels, goods and passengers, coming from any port or* 464.]  
*place in the state of Delaware.*

WHEREAS, the proviso contained in the fourth section of an  
 act of the General Assembly of this commonwealth, passed the

1802. nineteenth day of February, in the year of our Lord one thousand eight hundred and one, entitled "An act to incorporate a company for the purpose of cutting and making a canal between the river Delaware and the Chesapeake bay, and to authorize the clearing of obstructions in the river Susquehanna, down to the Maryland line, and for other purposes therein mentioned;" has been deemed by some of the citizens of the state of Delaware, susceptible of a construction injurious to their interests, and it is the wish of the Legislature of this commonwealth to remove every reasonable cause of complaint on the part of the citizens of a sister state: Therefore,

Part of former law repealed; and future regulations as to vessels stopping in the state of Delaware.

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the proviso contained in the fourth section of the act, entitled "An act to incorporate a company for the purpose of cutting and making a canal, between the river Delaware and the Chesapeake bay, and to authorize the clearing of obstructions in the river Susquehanna, down to the Maryland line, and for other purposes therein mentioned:" and every matter and thing, therein contained, be, and the same is hereby repealed: And that in future, such vessels and crews, goods and passengers, with their beds, bedding and apparel, as shall appear by the certificate of the Board of Health, or Health-Officer, or (where there is no Board of Health, or Health-Officer,) by that of any regular physician, and three Justices of the Peace, at any port or district in the state of Delaware, (reciting the quantity and quality, and if any, the marks and numbers of such goods, beds, bedding and apparel, and the names of the crew and passengers,) to have been landed at least fifteen days, within the said state or district, and the said crew and passengers to be in a healthy state; and the said goods, beds, bedding and apparel, to be well aired, and purified, and to the best of their knowledge and belief, to be free from contagion and infection; shall upon due examination of such certificate, by the resident physician or other proper officer, at the Lazaretto of the port of Philadelphia, be permitted to proceed to Philadelphia, or the port or place of their destination, in the same manner as if the said landing, airing and purification, had taken place, at the said Lazaretto: *Provided,* That nothing herein before contained, shall prevent the proper officers at the Lazaretto aforesaid, in cases where after any bill of health as aforesaid, has been granted, at any port or place, in the state of Delaware, any infectious or contagious disease, shall exist or be suspected to exist, on board any such vessel, from directing such further quarantine or detention, cleansing, airing and purification, as in the judgment of the said officers and Board of Health, shall be requisite and necessary for the preservation of the people of the city and port of Philadelphia, from pestilential and contagious diseases.

Passed 27th January, 1802.—Recorded in Law Book No. VIII. page 28,



## CHAPTER MMCCXX.

1802.

*An ACT to direct the manner, time and places of holding elections for Electors of President and Vice-President of the United States.*

WHEREAS, the constitution of the United States directs, That for the purpose of choosing a president and vice-president of the United States, "Each state shall appoint in such manner, as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the state may be entitled in the Congress:" Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That an election shall be held in the city of Philadelphia, and the several counties of this commonwealth, by the citizens qualified to vote for members of the General Assembly, at the same places at which the said members shall have been voted for at the last preceding election, on the fifth Friday preceding the first Wednesday in December, which will be in the year one thousand eight hundred and four, and on the fifth Friday preceding the first Wednesday in December in every fourth year thereafter, for the purpose of electing electors of a President and Vice-President of the United States; of which elections due notice shall be given by the Sheriffs of the respective counties, and the several Judges, Inspectors and Clerks, who shall have attended at the last election for members of the General Assembly, shall attend and perform, at the said election of electors, the like duties, and be subject to the like penalties for neglect or misconduct, as they are or shall be liable to, at the election of members of the General Assembly.

Places where, and time when election for President and Vice-President of the United States to be held and by whom.

SECT. II. *And be it further enacted by the authority aforesaid,* That at every such election, every citizen qualified as aforesaid, shall be entitled to vote by delivering to the proper officer, a written or printed ticket or ballot, containing the names of a number of persons, equal to the whole number of Senators and Representatives, to which this state may be entitled in Congress of the United States; and the same proceeding shall be had with the said tickets, as is or shall be by law directed, at the election of members of the General Assembly, and as soon as all the votes shall have been read off and counted, the judges of each district shall make out a certificate signed by the said judges, or a majority of them, of the number of votes which have been given for each candidate, which numbers shall be expressed in words at length, and one of the said Judges shall take charge of said certificate, and on the Monday next after said election shall have been holden, produce the same in a meeting of one Judge from each district within the said county, at the courthouse, and for the city and county of Philadelphia at the state-house, for which service each Judge shall be allowed ten cents for every mile he shall have travelled in performing the same, and the Judges of the several districts of the said county, so met, shall add together the number of votes which shall appear to have been given for each candidate, and make out triplicate returns on paper or parchment, signed by the said Judges, or a majority of them, containing

Who may vote and manner of voting.

How returns of the election are to be made.

1802.

the names of the persons voted for, and the number of votes given for each expressed in words at length; two of which returns shall be delivered forthwith, by one of the said Judges, to the prothonotary of the proper county, who shall file one of them in his office, and within two days after he shall have received the said returns, deposit one of them in the nearest post-office, to be forwarded to the office of the Secretary of the commonwealth, to be there filed; and the third return shall be forthwith delivered by one of the Judges, to the Sheriff of the proper county, endorsing thereon, the time of delivering the same, who shall by himself or his deputy deliver the same to the Governor within fourteen days after the election shall have been holden; and the said Prothonotary and Sheriff shall receive for transmitting, depositing and delivering, the said returns to the post-office and the Governor as aforesaid, the same compensation as is allowed for similar services, by the act, entitled "An Act to regulate the general elections within this commonwealth," passed the fifteenth day of February, one thousand seven hundred and ninety-nine; and the Prothonotaries and Sheriffs respectively, shall be subject to like penalties for neglect or misconduct, as are prescribed in similar cases, by the said recited act, and the Governor shall enumerate and ascertain the number of votes given for each and every person so as aforesaid voted for, and shall thereupon declare by proclamation, the names of the persons duly elected and chosen, and shall cause a notification of their election to be delivered to the person so chosen, on or before the last Wednesday in the month of November next after such election.

Compensation to Prothonotary and Sheriff for making return.

And penalty for neglect or misconduct.

Persons elected to be proclaimed and notified by the Governor.

Electors when and where to perform their duties.

SECT. III. *And be it further enacted by the authority aforesaid,* That the electors who shall be chosen as aforesaid, shall at twelve o'clock on the day, which is or may be directed by the Congress of the United States, meet at the seat of government of this state, and shall then and there perform the duties enjoined upon them by the constitution and laws of the United States.

To give notice of their arrival at the seat of government to the Governor.

who shall inform the Legislature thereof.

The absence of one or more of the electors, how to be remedied.

SECT. IV. *And be it further enacted by the authority aforesaid* That each of the said electors shall, before the hour of nine o'clock, A. M. on the day next preceding the day of election of President and Vice-President of the United States, give notice to the Governor, that he is at the seat of government, and ready to perform the duties of an elector, and it shall be the duty of the Governor, on the day of the meeting of the said electors, between the hours of nine and ten o'clock, A. M. to inform the legislature (if in session) who of the electors are at the seat of government, and if by that information it shall appear that any one or more of the electors be absent from the seat of government, the Legislature shall forthwith proceed to choose by a joint vote, a person or persons to fill up such vacancies as may have occurred by the non-attendance of one or more of the electors, and immediately after such choice shall have been made by the Legislature, the name or names of the person or persons so chosen, shall be transmitted to the Governor, whose duty it shall be forthwith to cause a notification of his or their election to be delivered in writing to each and every of the electors last chosen as aforesaid; and the said person or persons so notified, and not the person or persons in whose places he or they shall be chosen as afore-



said, shall be electors, and shall meet on the same day, together with the other electors, and perform the duties enjoined on them by the constitution and laws of the United States. 1802.

SECT. V. *And be it further enacted by the authority aforesaid,* That in case of any election of a President and Vice-President of the United States, at any other periods than those herein before specified, the same shall in all respects be held, conducted and concluded, as is provided by this act, in the case of an election held at the ordinary period prescribed by the constitution and laws of the United States, for holding the same.

Elections held at any other than the usual periods, to be conducted in like manner.

SECT. VI. *And be it further enacted by the authority aforesaid,* That each of the said electors shall receive three dollars daily wages, when travelling to, remaining at, and returning from the place of meeting aforesaid, the same to be paid by the treasurer of the state, on a warrant or warrants signed by the president of the meeting of the said electors, if any they shall choose, or by a majority of such electors, exclusive of persons in whose favour the warrant is drawn.

Compensation of the electors.

Passed 2d February, 1802.—Recorded in Law Book No. VIII. page 33.

## CHAPTER MMCCXXI.

*An ACT declaring the holding of offices or appointments under this State, incompatible with the holding or exercising offices or appointments under the United States.*

WHEREAS, the eighth section of the second article of the constitution of this commonwealth, provides that no person holding or exercising any office of profit or trust under the United States, shall at the same time hold or exercise any office in this state, which the Legislature thereof shall declare incompatible with offices or appointments under the United States: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That every person who shall hold any office or appointment of profit or trust, under the government of the United States, whether a commissioned officer or otherwise, a subordinate officer or agent, who is or shall be employed under the legislative, executive or judiciary departments of the United States, and also every member of Congress, is hereby declared to be incapable of holding or exercising, at the same time, the office or appointment of Justice of the Peace, Mayor, Recorder, Burgess or Alderman of any city, corporate town or borough, Resident-Physician of the Lazaretto, Constable, Judge, Inspector or Clerk of election, under this commonwealth.

Persons holding an office of profit or trust under the government of the United States disqualified for holding certain offices under this commonwealth.

SECT. II. *And be it further enacted by the authority aforesaid,* That the holding of any of the aforesaid offices or appointments under this state, is hereby declared to be incompatible with any office or appointment under the United States; and every such commission, office or appointment, so holden under the government of this state, contrary to the true intent and meaning of this act, shall be, and the same is hereby declared to be null and void.

The holding any such offices under this state declared to be incompatible with any office, &c. under the United States.

1802.

Penalty for exercising any office or appointment by this act declared to be incompatible.

SECT. III. *And be it further enacted by the authority aforesaid,* That if any person, after the expiration of six months from the passing of this act, shall exercise any offices or appointments, the exercise of which is by this act declared to be incompatible, every person so offending, shall for every such offence, being thereof legally convicted in any court of record, forfeit and pay any sum not less than fifty nor more than five hundred dollars, at the discretion of the court; one moiety of the said forfeiture to be paid to the overseers, guardians, or directors of the poor of the township, district, county or place where such offence shall have been committed, to be applied to the support of the poor, and the other moiety thereof to the prosecutor who shall sue for the same.

Passed 12th February, 1802.—Recorded in Law Book No. VIII. page 83.

## CHAPTER MMCCXXIV.

*An ACT to prescribe the times, places and manner, of choosing Senators, to represent this state in the Senate of the United States.*

WHEREAS, the constitution of the United States declares, that the times, places and manner of holding elections for Senators of the United States, shall be prescribed in each state by the Legislature thereof: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That whenever a vacancy is about to take place in the representation from this state, in the Senate of the United States, in consequence of the expiration of the time for which a Senator was chosen, the Legislature shall proceed to supply such vacancy in the following manner, to wit: The members of both houses shall assemble in the chamber of the House of Representatives, at the hour of twelve, on the second Tuesday in December preceding the month of March, in any year, wherein a vacancy shall happen by the expiration of the constitutional term, for which such Senator was elected, and then and there elect a Senator or Senators, as the case may be, to represent this state in the Senate of the United States, which election shall be conducted in the following manner, viz. Before the time of meeting, each house shall appoint one teller, and nominate one or more candidate or candidates for Senator, and two days previously to the said meeting, communicate to each other the names of the persons so by them respectively appointed and nominated: At the meeting, the Speaker of the Senate, or in his absence, the Speaker of the House of Representatives shall preside; the names of the persons voted for, and the members voting, shall be entered in writing by the tellers, who shall report to the president the number of votes given for each candidate; if neither of the candidates shall have a majority of votes, of the whole number of the members present, a second poll shall be taken, and so from time to time,

The Legislature to elect Senators from this state, to supply vacancies in the Senate of the United States.

Manner of conducting the election.



until some one of the candidates shall have a majority of votes, of the whole number of the members present: If the election shall not have been completed at the first meeting, the President shall adjourn to such time as a majority of the members then present shall agree, and so from time to time, until the election shall have been finally closed; whereupon, the President shall announce the person having a majority of votes, of the whole number of members present, to be duly elected a Senator, to represent this state in the Senate of the United States: And the President shall, in the presence of the members of both houses, sign four several certificates of the election, attested by the tellers; one of which certificates shall be transmitted to the President of the Senate of the United States, one to the person so elected, and the remaining two shall be preserved among the records, and entered at length on the journal of the Senate and on the journal of the House of Representatives: And whenever a vacancy, by death, resignation, or otherwise, shall happen in the representation of this state, in the Senate of the United States, after the said second Tuesday in December, and during the session of the Legislature; then and in such case, the Legislature shall, within eight days after knowing or being informed of such vacancy, proceed to fill the same, in the manner herein before prescribed.

1802.

Vacancies  
happening  
after the 2d  
Tuesday in  
December  
to be filed  
in like man-  
ner.

Passed 5th February, 1802.—Recorded in Law Book No. VIII. page 39.

## CHAPTER MMCCXXV.

*An ACT to erect Mahantango township, in the county of Berks, into a separate election district.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the township of Mahantango, in the county of Berks, shall be a separate election district, to be called “Mahantango District;” and the electors thereof shall hold their general elections at the house now occupied by Michael Artz, in said township of Mahantango.

Mahantango  
township in  
Berks county  
erected  
into an elec-  
tion district.

Passed 5th February, 1802.—Recorded in Law Book No. VIII. page 41.

## CHAPTER MMCCXXVII.

*An ACT altering the place of holding the elections in Air township, in the county of Bedford.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the electors residing within the fifth district, in the county of Bedford, shall hold their general elections at the house now occupied by Jacob Four, in M'Connellsburgh; any former law to the contrary thereof notwithstanding.

Place for  
holding elec-  
tions within  
the fifth dis-  
trict of Bed-  
ford county

Passed 13th February, 1802.—Recorded in Law Book No. VIII. page 47.

1802.

## CHAPTER MMCCXXVIII.

[Ante. pa.  
130.]

*A further SUPPLEMENT to the act, entitled "An Act to incorporate the district of Southwark."*

Commission-  
ers of South-  
wark em-  
powered to  
appoint  
wood-cord-  
ers;

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That,* the commissioners of the district of Southwark, be, and they are hereby authorized and empowered to appoint one or more proper officer or officers, for such time, and under such security and penalties, as to them may appear necessary, for the inspection and measurement of all cord-wood which may be landed or offered for sale within any part of the district aforesaid; and the officer or officers so appointed, shall be entitled to receive, as a compensation for his or their services, at the rate of four pence per cord, for all wood so measured and inspected, one moiety thereof to be paid by the seller, and the other moiety by the purchaser.

who shall  
take and  
subscribe an  
oath or affir-  
mation to  
perform the  
duties of the  
office with  
fidelity.

SECT. II. *And be it further enacted by the authority aforesaid,* That every person appointed a corder or inspector of wood, agreeably to the provision of this act, shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation, before some justice of the peace, that he will perform his duty with fidelity and impartiality.

Penalty on  
persons not  
authorized,  
exercising  
said office.

SECT. III. *And be it further enacted by the authority aforesaid,* That if any person or persons shall, from and after the first day of March next, exercise the office of corder or inspector of cord-wood within the district aforesaid, unless he or they be duly authorized by the commissioners thereof, he or they so offending shall on conviction thereof, forfeit and pay the sum of two dollars for every such offence, one moiety thereof to the overseers of the poor of the said district, and the other moiety to the person who shall sue for the same.

Passed 13th February, 1802.—Recorded in Law Book No. VIII. page 46.

## CHAPTER MMCCXXIX.

*An ACT erecting the township of Conemaugh, in the county of Somerset, into a separate election district.*

Conemaugh  
township in  
Somerset  
county made  
an election  
district.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, Conemaugh township, in the county of Somerset, shall be an election district, and the electors thereof shall hold their general elections at the house now occupied by John Horner, junior, in the town of Conemaugh, in said township, and shall henceforth be called Conemaugh district.

Passed 13th February, 1802.—Recorded in Law Book No. VIII. page 48.



## CHAPTER MMCCXXX.

1802.

*An ACT erecting certain election districts in the county of York.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the townships of Warrington, Reading and Huntingdon, shall be a separate district, to be called the fifth election district, and the electors thereof shall hold their general elections at the house of James McMillen, in Rosstown.*

Place for holding elections within the fifth district of York county.

SECT. II. *And be it further enacted by the authority aforesaid, That the township of Manahan shall be a separate district, to be called the sixth election district, and the electors thereof shall hold their general elections at the house now occupied by Leonard Eichelberger, in said township.*

Sixth election district erected.

SECT. III. *And be it further enacted by the authority aforesaid, That the township of Shrewsbury shall be a district, to be called the seventh election district, and the electors thereof shall hold their general elections at the house of the late Thomas Ehrhart, deceased, of said township.*

Seventh district.

SECT. IV. *And be it further enacted by the authority aforesaid, That the township of Codorus shall be a separate election district, to be called the eighth district, and the electors thereof shall hold their general elections at the house now occupied by Adam Zigler, in said township.*

Eighth district.

SECT. V. *And be it further enacted by the authority aforesaid, That the township of Dover shall be a separate election district, to be called the ninth district, and the electors thereof shall hold their general elections at the house now occupied by Patrick McFarlin, in Dovertown in said township.*

Ninth district.

Passed 13th February, 1802.—Recorded in Law Book No. VIII. page 48.

## CHAPTER MMCCXXXIII.

*An ACT to erect the town of Canonsburgh, in the county of Washington, into a borough.*

[SECT. 1. THE town of Canonsburgh erected into a borough and its boundaries described. 2. When and what borough officers shall be chosen and manner of choosing them. 3. Incorporation of the borough officers by the name of "The Burgesses and Town Council of the Borough of Canonsburgh, in the county of Washington," with the usual corporate privileges. 4. Penalty for refusing to act as a borough officer, to be applied to the use of the corporation. 5. Qualification of the borough officers prescribed. 6. Further and general powers given them to appoint a town clerk, &c. 7. How taxes, &c. are to be collected and to whom paid. 8. By-laws, &c. to be recorded, &c. Duties of the town clerk and high constable and penalty for the non performance of them; appeal allowed to the next sessions. 9. The act relating to public roads and highways not to extend to this borough.]

Passed 22d February, 1802.—Recorded in Law Book No. VIII. page 54.

1802.

## CHAPTER MMCCXXXIV.

*An ACT declaring Ten-mile creek, from the mouth thereof, to Jacob Adam's mill, in the county of Greene, a public highway.*

Part of Ten-mile creek declared a public highway.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Ten-mile creek, from the mouth thereof, at the Monongahela river, up to the main fork, and thence up the south branch of said creek, as far as Jacob Adams' mill, near Waynesburgh, in the county of Greene, shall be, and the same is hereby declared to be a public highway, under the limitations and restrictions hereinafter specified; and it shall and may be lawful for any person or persons desirous of improving or using the navigation of said creek, to remove all natural and artificial obstructions (excepting mill-dams already built) out of the bed of said creek, from the mouth thereof to the main fork, and thence up the south branch, to the said Jacob Adams' mill, and also to erect such slopes at the mill-dams already built, and keep them in repair, as may be necessary for the passage of boats and rafts and the ascent of fish: Provided always, That such slopes be so constructed and repaired, as not in any wise to injure the said dams.*

Provision in favour of persons having a right to erect mill-dams.

SECT. II. *And be it further enacted by the authority aforesaid, That nothing in this act contained, shall be deemed, taken or understood to prevent any person or persons, their heirs or assigns, possessing lands on said creek, who before the passing of this act had a lawful right to erect a dam or dams, from erecting any such dam or dams that he, she or they may think proper: Provided always, That every such dam be so constructed and kept in repair, as that there shall be a slope to each dam, at least thirty feet in width, and extending four times the distance down the creek that such dam may be in perpendicular height, and sufficient for the passage of boats and rafts, and the ascent of fish.*

Passed 22d February, 1802.—Recorded in Law Book No. VIII. page 52.

## CHAPTER MMCCXXXV.

*An ACT regulating the office of Justice of the Peace, and for other purposes.*

Justices of the peace not to act out of the district for which they were appointed. Not to keep tavern or hold their offices in any tavern, &c.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the first day of August next, no justice of the peace shall act as such unless he shall reside within the limits of the district for which he was commissioned.*

SECT. II. *And be it further enacted by the authority aforesaid, That from and after the first day of July next, no licence for keeping a tavern or public house of entertainment, shall be granted to any person either directly or indirectly, who at the same time holds*



a commission of the peace; and if any Justice of the Peace or Alderman, shall keep his stated office in any tavern or public house of entertainment, or any building appertaining thereunto, he shall for every such offence, on conviction thereof, in any court of quarter sessions of the peace, or Mayor's Court of the proper city or county forfeit and pay the sum of fifty dollars, one moiety thereof to the overseers, guardians or directors of the poor of the townships, district or county where such offence shall have been committed, to be applied to the support of the poor and the other moiety thereof to the prosecutor.

1802.

and penalty for so doing.

Passed 22d February, 1802.—Recorded in Law Book No. VIII. page 53.

### CHAPTER MMCCXXXVII.

*An ACT altering the place of holding elections in the fourth district, in the county of Northampton.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the electors of the fourth election district, in the county of Northampton, shall from and after the passing of this act, hold their general elections at the house now occupied by Ulrich Houser, in the township of Lower Smithfield aforesaid; any thing to the contrary thereof in any former law notwithstanding.

Place where elections are to be held within the fourth district Northampton county.

Passed 1st March, 1802.—Recorded in Law Book No. VIII. page 59.

### CHAPTER MMCCXXXVIII.

*An ACT altering the place of holding elections in the fifth district, in the county of Cumberland.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the electors in the townships of Juniata, Greenwood, and that part of Buffaloe township lying above the Falls-hill, in the county of Cumberland, shall hold their general elections at the house now or lately occupied by William Woods, at Millar's town, in the township of Greenwood aforesaid; any law to the contrary notwithstanding.

Place of holding elections in the townships of Juniata, Greenwood, &c. in Cumberland county.

Passed 8th March, 1802.—Recorded in Law Book No. VIII. page 64.

### CHAPTER MMCCXXXIX.

*An ACT to authorize John Sherer to erect a wing-dam on Monongahela river, in the county of Allegheny.*

[SECT. 1. JOHN SHERER, authorized to erect a wing-dam on the Monongahela river, at Braddock's upper fording, so as not to impede the navigation thereof. 2. Commissioners to be appoint-

1802. ed on complaint of any person to view the dam, &c. and an indictment may be founded on their report, &c.]

Passed 12th March, 1802.—Recorded in Law Book No. VIII. page 66.

## CHAPTER MMCCXL.

*An ACT to erect Deer township, in the county of Allegheny, into a separate election district.*

Deer township in Allegheny county, erected into an election district.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, Deer township, in Allegheny county, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Thomas M'Connell, in said township.*

Passed 12th March, 1802.—Recorded in Law Book No. VIII. page 65.

## CHAPTER MMCCXLI.

*An ACT altering the place of holding the general elections in the second election district in the county of Westmoreland.*

Place where elections are to be held in the second election district, Westmoreland county

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the electors residing within the second election district, composed of Washington and that part of Franklin township, that lies north of the new Frankstown road in the county of Westmoreland, shall hold their general elections at the house now occupied by John King, in Washington township aforesaid; any law or laws to the contrary notwithstanding.*

Passed 12th March, 1802.—Recorded in Law Book No. VIII. page 68.

## CHAPTER MMCCXLII.

*An ACT altering the place of holding the general election, in the district composed of Wheatfield and part of Fairfield townships, in the county of Westmoreland.*

Place for holding elections in Wheatfield and part of Fairfield townships, Westmoreland county,

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the electors residing within the district composed of Wheatfield and part of Fairfield townships, in the county of Westmoreland, shall hold their general elections at the house now occupied by Richard Dimsey, in the town of Armagh; any law or laws to the contrary notwithstanding.*

Passed 12th March, 1802.—Recorded in Law Book No. VIII. page 69.



## CHAPTER MMCCXLIV.

1802.

*An ACT for the erection of certain election districts in the county of Mercer.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, Wolf-creek township, in the county of Mercer, is hereby declared to be a separate election district, and the electors thereof shall hold their general election at the house now occupied by Charles Blair, in said township.

Wolf-creek township in the county of Mercer, declared to be a separate election district.

SECT. II. *And be it further enacted by the authority aforesaid, That* Coolspring township, in the county aforesaid, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Peter Wilson, in said township.

Coolspring township ditto.

SECT. III. *And be it further enacted by the authority aforesaid, That* Sandy creek township, in the county aforesaid, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by David Condit, in said township.

Sandy-creek township ditto.

SECT. IV. *And be it further enacted by the authority aforesaid, That* Salem township, in the county aforesaid, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by John Williamson, in said township.

Salem township ditto.

SECT. V. *And be it further enacted by the authority aforesaid, That* Pymatuning township, and that part of Neshanock township in the county aforesaid, which lies north of the donation land in the third donation district, be a separate election district, and the electors thereof shall hold their general election at the house now occupied by Vincent Robbins, in Pymatuning township.

Pymatuning and part of Neshanock township ditto.

SECT. VI. *And be it further enacted by the authority aforesaid, That* the township of Neshanock, in the county aforesaid, except that part already annexed to Pymatuning township, be a separate election district, and that the electors thereof shall hold their general elections at the house now occupied by James Huston, in said township.

Residue of Neshanock township ditto.

Passed 12th March, 1802.—Recorded in Law Book No. VIII. page 67.

## CHAPTER MMCCXLVI.

*An ACT altering the place of holding the general elections in Wyalusing district, in the county of Luzerne.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the electors residing within the district of Wyalusing, in the county of Luzerne, shall hold

Place where elections shall be held within the district of

1802. *Wyalusing, Luzerne county.* their general elections at the house now occupied by Justus Gaylord, junior, in said district; any former law to the contrary notwithstanding.

Passed 17th March, 1802.—Recorded in Law Book No. VIII. page 71.

## CHAPTER MMCCXLVII.

*An ACT altering the place of holding the general elections in the fourth election district, composed of the township of Bald-Eagle, in Centre county.*

*SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the electors of the fourth election district, composed of Bald-Eagle township, in Centre county, shall hold their general elections at the house now occupied by Casper Richards, in said district.*

Passed 17th March, 1802.—Recorded in Law Book No. VIII. page 71.

## CHAPTER MMCCCL.

*An ACT granting unto Thomas Smith and John Smith, an island and bar in the river Delaware.*

*SECT. 1. [PATENT to issue to Thomas and John Smith for an island in the river Delaware but the claims of others not to be affected thereby.]*

Passed 23d March, 1802.—Recorded in Law Book No. VIII. page 75.

## CHAPTER MMCCCLI.

*An ACT to repeal so much of the act, entitled “A supplement to the act, entitled “An act to prevent the receiving any more applications, or issuing any more warrants, except in certain cases, for lands within this commonwealth, passed September the twenty-second, one thousand seven hundred and ninety-four, as interferes with the act, entitled “An act directing the sale of certain islands in the river Susquehanna, passed the sixth of March, one thousand seven hundred and ninety-three.”*

*SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the supplement to the act, entitled “An act to prevent the receiving any more applications, or issuing any more warrants, except in certain cases, for land within this commonwealth, passed September the twenty-second; one thousand seven hundred and*

[Ante. pa. 93, chap. 1649, and pa. 193, chap. 1773, and see vol. 2, chap. 1083, pa. 240-1, (notes.)]

Part of a former law repealed



ninety-four, as prevents or bars the issuing any warrant or warrants under the direction of the act, entitled "An act directing the sale of certain islands in the river Susquehanna, passed the sixth day of March, one thousand seven hundred and ninety-three;" be, and the same is hereby repealed and made void. 1802.

Passed 23d March, 1802.—Recorded in Law Book No. VIII. page 72.

## CHAPTER MMCCCLVI.

*An ACT incorporating the Magdalen society, in the city of Philadelphia.*

SECT. 1. [THE Magdalen society of Philadelphia incorporated with the general powers incident to a corporation, by the name of "The Magdalen Society of Philadelphia. 2. The officers of the corporation to be elected by a majority of the members present, &c. 3. Place and time of holding the election for officers, to be directed by the by-laws. 4. Until an election, the present officers continued and this act to be construed in the most favourable manner for the society, &c.]

Passed 23d March, 1802.—Recorded in Law Book No. VIII. page 80.

## CHAPTER MMCCCLVII.

*An ACT to erect Allegheny township, in the county of Armstrong, into an election district.*

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, 'That the electors residing within the township of Allegheny, in Armstrong county, shall hold their elections at the house of George Painter, miller, near the mouth of Cherry-run, in said township.*

Allegheny township in Armstrong county erected into an election district.

Passed 29th March, 1802.—Recorded in Law Book No. VIII. page 91.

## CHAPTER MMCCCLX.

*An ACT to erect the town of Beaver, in the county of Beaver, into a borough, and for other purposes.* (Ante. pa. 56.)

SECT. 1. [THE town of Beaver in the county of Beaver erected into a borough, and its boundaries described. 2. Borough officers to be elected by persons entitled to vote for members of the Legislature, who have resided in the borough six months previous to the election, &c. 3. Burgess and town council and their successors made a body corporate, by the name of "The Burgess and Town Council of the borough of Beaver, in the county of Beaver,"

1802. and to have the usual corporate powers. 4. Penalty for refusing or neglecting to serve when elected as a borough officer. 5. Qualifications of the borough officers to be taken before any Justice of the Peace. 6. Empowered to make by-laws, assess taxes, and to appoint a town clerk, &c. The amount of tax not to exceed one cent in the dollar in any one year, unless, &c. 7. Two lots out of the reserved tract of land, including several streams or springs, to be laid off for the use of the borough. Proviso in favour of the right of private property. 8. Manner of collecting taxes, fines and forfeitures, prescribed. 9. By-laws, &c. to be recorded and carried into full effect, and duties of the Town Clerk and High Constable. Persons thinking themselves aggrieved may appeal to the Court of Quarter Sessions.]

(Ante pa.  
57.)

Passed 29th March, 1802.—Recorded in Law Book No. VIII. page 95.

## CHAPTER MMCCLXI.

(Original  
act, vol. 2,  
pa. 67.)

A SUPPLEMENT to an act, entitled "*An act to repeal part of an act of the Assembly of the late province of Pennsylvania, entitled "An act declaring the river Susquehanna and other streams therein mentioned, public highways, for improving the navigation of the said river and streams, and preserving the fish in the same."*

WHEREAS, the Legislature, on the twenty-first day of March, one thousand seven hundred and eighty-three, repealed so much of an act, entitled "*An act declaring the river Susquehanna and other streams therein mentioned, public highways, for improving the navigation of the said river and streams, and preserving the fish in the same,*" as declares the Raystown branch of Juniata, from the lower end or limits of John Wilt's plantation to the town of Bedford, in the county of Bedford, to be a public highway, for the purpose of enabling the said John Wilt to erect certain water-works, which now belong to Peter Arnolt: And whereas doubts have arisen in construing the act to which this is a supplement: Therefore, to remedy any defect therein contained,

Peter Arnolt  
authorized  
to erect a  
mill-dam  
across Rays-  
town branch  
of Juniata;

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for Peter Arnolt, his heirs and assigns, and they are hereby authorized and empowered to erect, support, and for ever maintain a mill-dam, not exceeding the height of three feet, across Raystown branch of Juniata, abutting on his own land, in the township of Colerain, in the county of Bedford, and also to lead off from the same on his own land, so much water of the said creek, as may be found necessary for his water-works already erected, or that may be erected on the south bank of the said river: Provided always, That the said Peter Arnolt, his heirs and assigns, in erecting the said dam, or in keeping the same in repair, shall always construct the same with a platform or slope, so as not to injure the navigation of said river, or the property of individuals, and in such*

but the naviga-  
tion of the  
river or the  
property of  
individuals  
not to be in-  
jured there-  
by.



manner as that boats and rafts may safely pass over the said slope : 1802.  
*And provided always,* That the said dam be so constructed as not  
 to prevent the passage of fish up the said stream.

SECT. II. *And be it further enacted by the authority aforesaid,* Conditions  
 That the said Peter Arnolt, his heirs and assigns, shall for ever annexed to  
 maintain and keep in good order, on the body of the said dam, in the privi-  
 convenient part of the same, for rafts to pass over, a complete slope lege.  
 of twenty-five feet in breadth, extending one rod down stream for  
 every foot the dam shall be raised in height, and shall build the dam  
 one foot higher at each side, to convey the water into the slope ;  
 and shall also construct the slope one foot and an half higher at each  
 side thereof, to keep the water thereon, until it meets the level of  
 the bottom of the river, for the passage of boats and rafts as afore-  
 said.

SECT. III. *And be it further enacted by the authority aforesaid,* How persons  
 That on the complaint of any person or persons, to the judges of aggrieved  
 the court of quarter sessions of the said county, it shall and may be may obtain  
 lawful for the said judges, to appoint three commissioners to view redress.  
 the said dam, and to compare it with the limitations and provisions  
 herein set forth and enacted, and report to them at their next ses-  
 sions, in the said county, the state thereof, which report, on oath or  
 affirmation, if it contain a statement of facts constituting an offence  
 against this act, shall be sufficient ground for the court to direct a  
 bill of indictment to be sent to the grand jury, and upon prosecution  
 to conviction, the said Peter Arnolt, his heirs or assigns, shall be  
 liable to pay a fine, not exceeding two hundred dollars, at the dis-  
 cretion of the court ; and the court shall adjudge so much of the said  
 dam to be abated and altered as shall bring the same within the  
 limitations and provisions of this act.

Passed 29th March, 1802.—Recorded in Law Book No. VIII. pa. 88.

## CHAPTER MMCCLXIII.

*An ACT to erect a separate election district, in the county of Allegheny.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That A new elec-  
 the parts of Versailles, Elizabeth and Mifflin townships, included tion district  
 in the following bounds, viz. Beginning at the mouth of Turtle established  
 creek ; thence up the same to where the state-road crosses said in Allegheny  
 creek ; thence along said road, to the line of Westmoreland county to be  
 thence by said line, to Youghiogeny river ; thence down the same called M<sup>c</sup>-  
 to the mouth of Long run ; thence a direct line, across said river Keesport  
 to the mouth of Pine run in Mifflin township ; thence up said run, district.  
 including the south branch of the same, to Matthew Calhoun's mill ;  
 thence a direct line to the mouth of Butter-milk run ; and thence  
 across the Monongahela river, to the place of beginning ; shall be a  
 separate election district, and called M<sup>c</sup>Keesport district ; and the

1802. electors thereof shall hold their general elections at the house now occupied by Adam Johnson, esquire, in M'Keesport; any law or laws to the contrary notwithstanding.

Passed 29th March, 1802.—Recorded in Law Book No. VIII. page 99.

## CHAPTER MMCCLXIV.

[Vol. 2, pa.  
401, and ante.  
pa. 240, chap.  
1346.]

**A SUPPLEMENT** to "*An Act for securing the city of Philadelphia and the neighbourhood thereof, from damage by Gun-powder;*" and also, to "*An Act for providing for the inspection of Gun-powder.*"

Duties en-  
joined on the  
inspector of  
gun-powder  
in and for  
the port of  
Philadel-  
phia :

**SECT. I.** *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the inspector of gun-powder, in and for the port of Philadelphia, and his successors for the time being, shall be, and they are hereby authorized, directed and enjoined, upon the reasonable request and at the proper costs and charges of the owner or occupier of any manufactory of gun-powder, erected, or to be erected within the county of Philadelphia, to repair to such manufactory from time to time, so often as the same may be necessary, and there to inspect and mark all gun-powder which shall be manufactured thereat, in the manner directed by the act, entitled "*An Act for providing for the inspection of gun-powder;*" and the said inspector and his successors in office, shall receive for travelling expenses, at the rate of ten cents for each and every mile, in going and returning from the public magazine, in the said city of Philadelphia, to such manufactory, besides the fees heretofore allowed for the inspection of gun-powder at the said magazine.

additional  
compensa-  
tion allowed.

Owners of  
inspected  
gun-powder  
authorized  
to convey to  
the place of  
exportation,  
subject to  
the establish-  
ed regula-  
tions.

**SECT. II.** *And be it further enacted by the authority aforesaid, That* it shall and may be lawful, to, and for the owner or owners, of any gun-powder, which shall be so inspected as aforesaid, to remove and convey such gun-powder immediately from such manufactory to the place of exportation, or on board the ship or vessel intended to export the same : subject to the same rules, regulations and penalties, contained in the several acts of assembly, to which this is a supplement.

Penalty if  
the superin-  
tendant, his  
deputy, &c.  
be concerned  
in manufact-  
uring or sel-  
ling gun-  
powder.

**SECT. III.** *And be it further enacted by the authority aforesaid, That* no superintendant or keeper of the said magazine, his deputy or other person employed in the said magazine, shall during the time of holding or exercising the said office or employment, be concerned directly or indirectly, in manufacturing, buying or selling gun-powder, in gross or by retail, under the penalty of forfeiting the sum of fifty dollars for every offence, to be recovered with costs of suit, from the person so offending, as debts under twenty pounds are directed by law to be recovered ; the one half thereof to the use of the commonwealth, and the other half to the person who shall sue for the same.

The superin-  
tendant in  
future to

**SECT. IV.** *And be it further enacted by the authority aforesaid, That* the superintendant or keeper of the said magazine, shall not



for the future, receive any fee or emolument for the delivery of any gun-powder ; but shall only charge for the storage of such powder so deposited in the said magazine, any law to the contrary notwithstanding.

Passed 29th March, 1802.—Recorded in Law Book No. VIII. page 93.

1802.  
receive no  
fee for the  
delivery of  
gun-powder,  
but only for  
the storage.

## CHAPTER MMCCLXVI.

*An ACT for erecting certain election districts in the counties of Northampton and Bedford.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, Lower Saucon township, in the county of Northampton, shall be a separate election district ; and the electors thereof shall hold their general elections at the house now occupied by Frederick King, in the said township.

Lower-Saucon township in Northampton county erected into an election district.

SECT. II. *And be it further enacted by the authority aforesaid, That* that part of Providence and Colerain township, in Bedford county, comprised within the lines following, viz. Beginning where the line of Hopewell township crosseth the Warrior ridge ; thence south along said ridge, to the house now occupied by Robert Culbertson ; thence south across the river Juniata, and up the same to the line of Colerain township ; thence along Turris mountain, to the Maryland line, so as to include that part of Colerain township, which lies east of the said mountain, shall be a separate election district, to be called the eighth district, and the electors thereof shall hold their general elections at the house now occupied by Daniel Davis, in the township of Providence aforesaid.

The eighth election district established in Bedford county.

Passed 2d April, 1802.—Recorded in Law Book No. VIII. page 103.

## CHAPTER MMCCLXVII.

*An ACT in aid of the congregation of Bangor church, in Carnarvon township, in the county of Lancaster.*

SECT. 1. [A CERTAIN legacy to be vested in stock, and the interest to be applied to the support of the officiating ministers for ever.]

Passed 2d April, 1802.—Private Act.—Recorded in Law Book No. VIII. pa. 108.

## CHAPTER MMCCLXVIII.

*An ACT authorizing executors and administrators, in certain cases, to convey lands sold by their decedents by order of Orphans' Court.*

WHEREAS, it sometimes happens, that administrators who sell real estates of intestates, pursuant to an order of Orphans' Court,

(See the notes to chap. 1607, ante, pa. 66, and see chap. 2130, pa. 433, ante.)

1802.

die before any conveyance is made; and that inconveniences have been thereby experienced by purchasers: For remedy whereof,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That in all cases hereafter, where a sale shall be duly made according to law, by virtue of an order of Orphans' Court, enabling the administrator of any intestate, to make sale of the real estate of such intestate or any part thereof; and the administrator selling the same, under such order, shall happen to die before a deed of conveyance is made to the purchaser or purchasers, it shall be lawful, to, and for an administrator "Of the goods not administered on" of such intestate when such administration shall be granted, to and for the executor or administrator of the person or persons so dying, to make and execute to the purchaser or purchasers of any such estate, a deed or deeds of conveyance for the same.

Where an administrator sells the estate of his intestate or any part thereof under an order of Orphans' Court, and dies before a deed is made, the administrator de bonis non or the executor or administrator of the first administrator empowered to convey to the purchaser.

Similar cases occurring heretofore provided for.

SECT. II. *And be it further enacted by the authority aforesaid,* That in all cases where a sale hath been heretofore duly made, in pursuance of an order of Orphans' Court, of the real estate of any intestate, and the execution of the necessary deed or deeds of conveyance, hath been prevented by the death of the party legally authorized to make sale, and so making sale thereof, it shall be lawful, to and for an administrator "Of the goods not administered on" of such intestate, when such administration shall be granted for the executors or administrators of such party, to make and execute to the purchaser or purchasers, the necessary deed or deeds of conveyance, for the estate so sold as aforesaid.

In what cases the Sheriff of the county shall convey.

SECT. III. *And be it further enacted by the authority aforesaid,* That in all cases where any administrator or administrators, having sold lands by order of Orphans' Court, as aforesaid, shall die intestate, not having executed a conveyance thereof, and no person shall within three months thereafter, be appointed administrator "Of the goods not administered on," or apply and be appointed to administer the estate of such administrator or administrators so dying as aforesaid, it shall thereupon be the duty of the Orphans' Court of the proper county, on petition to be presented by the purchaser, setting forth the original proceedings, under the order of court, to direct the sheriff of the county, for the time being, to make and execute the necessary deed or deeds of conveyance to such petitioner.

The operation of conveyances made in pursuance of this act.

SECT. IV. *And be it further enacted by the authority aforesaid,* That every deed made in pursuance of, and agreeably to the provisions of this act, shall vest the property therein described in the grantee, as fully and effectually, as if the same had been made by the person or persons who may hereafter sell or heretofore have sold, any such estate circumstanced as aforesaid.

Passed 2d April, 1802.—Recorded in Law Book No. VIII. page 111.



## CHAPTER MMCCLXIX.

1802.

*An ACT to erect the township of Brecknock and part of the township of Cocalico, in the county of Lancaster, into a separate election district.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the township of Brecknock and all that part of the township of Cocalico, beginning at the township line, above Michael Haag's mill; thence past said mill in Cocalico township, and down the great road past Jacob Hagey's tavern; from thence past Miller's tavern and Wright's tavern, to the line of Earl township, in the county of Lancaster; are hereby erected into a separate election district, to be called the ninth district; and the electors thereof, shall hold their elections at the house now occupied by Jacob Stahley, in Reams-town, in the township of Cocalico, any thing in any law to the contrary notwithstanding.*

The ninth election district established in Lancaster county.

Passed 2d April, 1802.—Recorded in Law Book No. VIII. page 110.

## CHAPTER MMCCLXX.

*An ACT to appoint new Trustees for Mifflin county.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That John Bratton, Doctor Ezra Doty, George McClelland, Robert Sterret, Thomas Torbutt and James Banks, are hereby appointed trustees in and for the county of Mifflin; and are hereby invested with like powers and authorities in every matter and thing whatsoever, that of right belongs to any trustee or trustees, appointed for the county of Mifflin, by any act heretofore enacted.*

Trustees appointed for Mifflin county.

SECT. II. *And be it further enacted by the authority aforesaid, That so much of the different acts of assembly, as relate to the appointment of trustees for said county of Mifflin, be, and the same are hereby repealed, annulled and made void, any thing contained in any former acts notwithstanding.*

Repeal of so much of former laws as relate to the appointment of trustees for said county.

Passed 2d April, 1802.—Recorded in Law Book No. VIII. page 103.

## CHAPTER MMCCLXXIII.

*An ACT to vest in the Trustees of the Roman Catholic Society of St. Mary's Church, in the city of Philadelphia, for the benefit of the Poor of said Society, such part of the estate of Peter Bonaventure d'Artois, as is declared to have escheated to the commonwealth.*

Passed 22d April, 1802.—Private Act.—Recorded in Law Book No. VIII. pa. 114.

1802.

## CHAPTER MMCCLXXIV.

*An ACT authorizing the Governor to discharge the debt due from this commonwealth to the Bank of Pennsylvania, and for other purposes.*

The Govern-  
or empow-  
ered to trans-  
fer six per  
cent. stock  
of the U. S.  
the property  
of this state,  
in payment  
of the loan of  
100,000 dol-  
lars hereto-  
fore obtained  
of the bank  
of Pennsyl-  
vania, but at  
not less than  
par.

[Obsolete.]

The bank  
empowered  
to accept the  
transfer of  
said stock.

[Obsolete.]

Authorized  
to purchase  
and sell  
again, stock  
of the  
United  
States, but  
amount  
thereof not  
to exceed  
100,000 dols.  
exclusive of  
what they  
now hold.

In case the  
transfer of  
said stock is  
not accepted,  
the Govern-  
or empower-  
ed to nego-  
ciate an ex-  
tension of  
the time of  
payment of  
the first in-  
stalment of  
the loan.

[Obsolete.]

[SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the Governor be, and he is hereby authorized to transfer so much of the six per cent. stock of the United States, the property of this state, as will be necessary to discharge the first instalment of the loan of one hundred thousand dollars, which will be due on the thirteenth day of April next, to the Bank of Pennsylvania, together with the interest thereon, and also so much of the said stock as will be required to discharge the remaining instalment of the said loan, though it shall not be due; provided such transfer be made at not less than at the rate of one dollar for every dollar of such stock which remains unredeemed.*]

[SECT. II. *And be it further enacted by the authority aforesaid, That the President, Directors and Company of the Bank of Pennsylvania, be, and they are hereby authorized to accept the transfer of the said stock, in discharge of the respective instalments of the said loan, or either of them, if they shall consider it consistent with the interest of the institution, any thing in the act incorporating the said bank, to the contrary notwithstanding.*]

SECT. III. *And be it further enacted by the authority aforesaid, That the said President, Directors and Company be, and they are hereby authorized to purchase and sell again, any stock of the United States which they may believe most beneficial to the said bank, provided the amount of such stock shall not at any one time exceed one hundred thousand dollars, exclusive of the stock now held by them, any thing in the act incorporating the said company, to the contrary notwithstanding.*

[SECT. IV. *And be it further enacted by the authority aforesaid, That if the said President, Directors and Company, should not agree to accept the transfer of the said stock, at the rate aforesaid, in discharge of said loan, the Governor is hereby authorized to negotiate with the said President and Directors, an extension of the time of payment of the first instalment of said loan for the term of two years: Provided, That nothing herein contained shall be so construed as to prevent the commonwealth from discharging the said instalment at any time previous to the expiration of the said two years.*]

Passed 2d April 1802.—Recorded in Law Book No. VIII. page 109.

## CHAPTER MMCCLXXV.

*An ACT to provide for the election of Representatives of the people of this state, in the Congress of the United States.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly*



*met, and it is hereby enacted by the authority of the same, That* 1802.  
 for the purpose of electing representatives of the people of this commonwealth, to serve in the House of Representatives in the Congress of the United States, this state shall be divided into eleven districts, as follow: The city of Philadelphia, and the counties of Philadelphia and Delaware, shall be a district, and shall elect three members; the counties of Bucks, Montgomery, Northampton, Wayne and Luzerne, shall be a district, and shall elect three members; the counties of Chester, Berks and Lancaster, shall be a district, and shall elect three members; the counties of Dauphin, Cumberland, Mifflin and Huntingdon, shall be a district, and shall elect two members; the counties of Northumberland, Lycoming and Centre, shall be a district, and shall elect one member; the counties of York and Adams shall be a district, and shall elect one member; the counties of Franklin and Bedford shall be a district, and shall elect one member; the counties of Westmoreland, Somerset and Armstrong, shall be a district, and shall elect one member; the counties of Fayette and Greene shall be a district, and shall elect one member; the county of Washington shall be a district, and shall elect one member; the counties of Allegheny, Beaver, Butler, Crawford, Mercer, Venango, Warren and Erie, shall be a district, and shall elect one member.

The state divided into districts for the purpose of choosing members of Congress and the number each district is to elect.

SECT. II. *And be it further enacted by the authority aforesaid,* That the election of Representatives, agreeably to the constitution of the United States and the direction of this act, shall be held by the citizens of this state qualified to vote for members of Assembly, on the second Tuesday of October next, and on the second Tuesday of October, every second year thereafter, until an enumeration of the inhabitants of the United States shall be taken, agreeably to the constitution and laws of the said United States, at the same places respectively, in the same manner, and under the care and regulation of the same officers as is provided in and by the several acts of Assembly for the regulation of the general elections of this state, of which elections public notice shall be given by the Sheriffs of the several counties, at least thirty days before the said election.

When and where such elections shall be held and how conducted.

SECT. III. *And be it further enacted by the authority aforesaid,* That every person who shall be guilty of any neglect or abuse of this act, or of any of the said acts of Assembly, for the regulation of elections, at any election to be held in pursuance of this act, shall be prosecuted and punished in the same manner as if he had been guilty of the like neglect or abuse in the election of members of the Legislature of this state.

Neglect or abuse of this act how punished.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the Judges of the election in the city of Philadelphia, and in each county erected into a separate district, after having formed the return of the whole election in the said city and counties respectively, in such manner as is by law directed, shall within six days cause said returns to be delivered to the Sheriff of the said city and counties respectively, and shall also cause a duplicate thereof, signed and sealed in the same manner, to be deposited in the office of the Prothonotaries of said city and counties respectively.

How returns of the elections are to be made in Philadelphia and those counties constituting each a separate district.

1802.

And how,  
where there  
are more  
counties  
than one to  
a district.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the Judges of the elections of each of the following counties, after having formed the returns of the whole election in their counties respectively, in such manner as is by law directed, shall send the same by one or more of their number, to the place hereafter mentioned, within the district of which such county is a part, when the Judges so met, shall compare and cast up the several returns, and shall execute under their hands and seals, one general and true return of the whole district, that is to say, The Judges of the district composed of the city and county of Philadelphia and the county of Delaware, shall meet at the county court-house in the city of Philadelphia; the Judges of the district composed of the counties of Bucks, Montgomery, Northampton, Wayne and Luzerne, shall meet at the house now occupied by John Leonard, inn-keeper, in the town of Bethlehem, in the county of Northampton; the Judges of the district composed of the counties of Chester, Berks and Lancaster, shall meet at the house now occupied by Everet M'Clees, inn-keeper, in Morgan's town, in the county of Berks; the Judges of the district composed of the counties of Dauphin, Cumberland, Mifflin and Huntingdon, shall meet at the house now occupied by William Sterret, in Mifflin town, in the county of Mifflin; the Judges of the district composed of the counties of Northumberland, Lycoming and Centre, shall meet at the house now occupied by Andrew Albright, in Lewisburgh, in the county of Northumberland; the Judges of the district composed of the counties of York and Adams, shall meet at the house now occupied by Peter Eskes, in Abbot's town, in the county of Adams; the Judges of the district composed of the counties of Franklin and Bedford, shall meet at the house now occupied by Jacob Four, in M'Connellsburgh, in the county of Bedford; the Judges of the district composed of the counties of Westmoreland, Somerset and Armstrong, shall meet at the house of George Keltz, in Ligonía valley, in the county of Westmoreland; the Judges of the district composed of the counties of Fayette and Greene, shall meet at the house now occupied by Thomas Clare, in Fayette county; the Judges of the district composed of the counties of Allegheny, Beaver, Butler, Crawford, Mercer, Venango, Warren and Erie, shall meet at the house now occupied by Adam Funk, in the county of Butler, on the third Tuesday of October next, and on the third Tuesday of October biennially thereafter, during the continuance of this act, and within the space of ten days after the said election, the Judges of each respective district, so convened, shall cause the said general return to be delivered to the Sheriff of the county in which they shall be thus convened, and shall also cause a duplicate thereof, signed and sealed in the same manner, to be deposited in the office of the Prothonotary of such county.

The Sheriff  
within thirty  
days after  
the election  
to deliver  
the return to  
the Governor,  
or, who is  
to make pro-  
clamation of

SECT. VI. *And be it further enacted by the authority aforesaid,* That such Sheriff, having received the said return, shall within thirty days after said election, deliver or safely transmit the same to the Governor, who shall thereupon declare by proclamation, the name of the person or persons to him returned as duly elected in each respective district, and shall thereafter, as soon as convenient-



ly may be, transmit the returns so to him made, to the House of Representatives in the Congress of the United States. 1802.

Passed 2d April, 1802.—Recorded in Law Book No. VIII. page 100.

the names of  
the persons  
elected, &c.

## CHAPTER MMCCLXXVI.

*An ACT to complete the benevolent intention of the Legislature of this commonwealth, by distributing the donation lands to all who are entitled thereto.* [See the notes to chap. 1128, vol. 2, pa. 290.]

WHEREAS, some of the late officers and soldiers belonging to the Pennsylvania line, in the revolutionary war, have not received their donation lands: And whereas it hath been represented that amongst the lots in the tenth donation district, which the owners have released as being in the state of New-York, and for which they have received other lots in lieu thereof, many are still in Pennsylvania, and also that a number of lots may yet be found within the bounds of the donation surveys, not numbered or returned as donation lots, nor otherwise appropriated: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of the Land-Officers to ascertain the number of donation lots returned of each description, which yet remain undrawn and not otherwise appropriated, or which having been drawn, have not been applied for in the time prescribed by law, and cause numbers corresponding with each lot of the several descriptions, according to the quantity of land allowed to each grade of officers, non-commissioned officers and privates, to be made on separate pieces of paper, as nearly of the same size as may be, which pieces of paper shall be put carefully into small boxes, equal to the number of different grades which may be yet unsupplied, and on application of each person for their respective donation, the said Land-Officers, after being satisfied with the justice of his or her claim, shall cause the box containing the tickets representing the quantity of land to which such applicant may be entitled, to be shook, so as to mix the said tickets or pieces of paper, and shall draw, or cause to be drawn therefrom, one or more of the numbers so deposited as may be necessary to complete the quantity which such applicant may be entitled to; and in like manner to proceed on each and every application, the person first applying, to be entitled to the first draft, and immediately after drawing, to proceed to issue a patent or patents for the respective lots so drawn, free of all expense except the enrolling fees: *Provided always,* That no lot to be drawn or patent to be issued in pursuance of this act, shall interfere with or defeat any prior title which may have been acquired under the authority of any former law of this commonwealth.

The Land-Officers to ascertain the number of undrawn and unappropriated donation lots;

How they are to proceed in satisfying the claims of applicants entitled to donation lands.

SECT. II. *And be it further enacted by the authority aforesaid,* That the Surveyor-General be, and he is hereby authorized to direct a survey to be made at the expense of the state, in such man-

The Surveyor-General to cause a survey to be made so as to

1802.

ascertain the lots that may still be within this commonwealth, which were reported to have fallen into the state of New-York, &c.

The Board of Property authorized to exercise the same powers relative to donation lands as in other cases.

The Secretary of the commonwealth to deliver all books and other documents in his possession relative to donation lands, to the Land-Officers.

The widows and heirs of deceased officers and soldiers to have the benefit of this act. [See an act passed 11th March, 1809.]

Application not to be admitted unless made within one year.

ner as to ascertain with accuracy, all lots within the tenth donation district, which have been reported as having fallen into the state of New-York, and as such released, and which may still be within the state of Pennsylvania, or in the triangle purchased from Congress, also to procure returns of all other lots which are included within the general drafts of any of the donation districts, and which are not otherwise appropriated, and also to divide large into smaller lots, which said released lots, or other lots, as soon as the surveys of them are made and returned, shall be made use of to supply the boxes mentioned in the foregoing section with a sufficient number of tickets to carry the design of this act completely into effect.

SECT. III. *And be it further enacted by the authority aforesaid,* That the Board of Property be, and they are hereby authorized to exercise the same powers relative to donation lands, which they are by law authorized to exercise in cases respecting other land within this commonwealth; and in all cases of difficulty or dispute between applicants under this law, and on the validity and propriety of the claim of each and every applicant, they are authorized to make the necessary enquiry, and decide.

SECT. IV. *And be it further enacted by the authority aforesaid,* That in order to enable the Land-Officers, or Board of Property, to execute the duties imposed upon them by this act, it shall be the duty of the Secretary of the commonwealth, to deliver to the Secretary of the Land-Office and Surveyor-General, all books, papers, drafts or documents now in his office, relative to donation lands, returns of survey, general or connected drafts, maps or charts so received, to be deposited in the Surveyor-General's office, and all others of the said papers, books or documents, to be deposited in the office of the Secretary of the Land-Office; and when the whole donations shall be completely effected, the general drafts to be deposited in the Rolls-Office agreeably to the directions of a former law.

[SECT. V. *And be it further enacted by the authority aforesaid,* That upon satisfactory proof being made to the Board of Property, by the widow, heir or heirs of any deceased officer or soldier, it shall be the duty of said board to direct a patent or patents to issue in the usual way, in favour of such widow, heir or heirs, for such donation lands, and on the same conditions as the officer or soldier would, if living, be entitled to.]

SECT. VI. *And be it further enacted by the authority aforesaid,* That no application for donation lands shall hereafter be admitted; and that no patent for such land, already applied for, shall be granted, unless such patent is demanded within one year after the passing of this act.

Passed 2d April, 1802.—Recorded in Law Book No. VIII. page 104.

## CHAPTER MMCCLXXVII.

*An ACT to settle the controversies arising from contending claims to lands within that part of the territory of this commonwealth, north and west of the rivers Ohio and Allegheny, and Conewango creek.*

(See notes to chap. 1083, vol. 2, page

WHEREAS, by the ninth section of an act of the General Assembly, passed the third day of April, one thousand seven hun-



1802.

203 to 239,  
and the act  
of 20th  
March, 1811,  
for the whole  
view of this  
controversy.)

dred and ninety-two; entitled "An act for the sale of the vacant lands within this commonwealth," it is enacted, that no warrant or survey to be issued or made in pursuance of the said act, for lands lying north and west of the rivers Ohio and Allegheny, and Conewango creek, shall vest any title in or to the lands therein mentioned, unless the grantee has, prior to the date of such warrant, made or caused to be made, or shall within the space of two years next after the date of the same, make or cause to be made an actual settlement thereon, by clearing, fencing and cultivating at least two acres for every hundred acres contained in one survey, erecting thereon a messuage for the habitation of man, and residing, or causing a family to reside thereon for the space of five years next following his first settlement of the same, if he or she shall so long live; and in default of such actual settling and residence, it shall and may be lawful to and for this commonwealth to issue new warrants to other actual settlers, for the said lands, or any part thereof, reciting the original warrants, and that such actual settlements and residence have not been made in pursuance thereof, and so as often as defaults shall be made for the time and in the manner aforesaid, which new grants shall be under and subject to all and every the regulations contained in this act; provided that if any such actual settler, or any grantee in any such original or succeeding warrant, shall by force of arms of the enemies of the United States, be prevented from making such actual settlement, or be driven therefrom, and shall persist in his endeavours to make such actual settlement as aforesaid, then in either case, he and his heirs shall be entitled to have and hold the said lands in the same manner as if the actual settlement had been made and continued: And whereas applications have been made and are making to the Land-Office for new warrants, in cases where the applicants are of opinion that the original warrantees are barred from claiming title by their own default, in not complying with the conditions required in the section above recited; and although it appears from the act aforesaid, that the commonwealth regarded a full compliance with those conditions of settlement, improvement and residence, as an indispensable part of the purchase or consideration of the lands so granted, yet as much confusion might arise if the state were to continue to grant lands which in consequence of former acts may have become the property of others: And whereas it appears on the one hand, by the representations of the agents of certain companies called the Holland company and the Population company, to the Legislature of this commonwealth, that they complain of certain lawless men having intruded on the lands within the claim of the said companies, which claim appears to extend over the greater part of the territory of this commonwealth, situate north and west of the rivers Ohio and Allegheny, and Conewango creek, praying for the interposition of the Legislature, and stating that the claims of the said companies arise from warrants and patents duly applied for and fairly issued and granted by the officers of the Land-Office of this commonwealth, under the provisions of the act aforesaid; and on the other hand, it appears that petitions and representations have also been made to the legislature of this commonwealth, by and on the part of a number of persons calling themselves ac-

1802.

tual settlers, and stating that they have settled and improved a considerable part of the land lying within the claims of the aforesaid companies, in consequence of the act aforesaid inviting them so to do, that in most instances, when they began their improvements, the lands were, to the best of their knowledge, vacant and unoccupied, and that since their settlement they have been much harassed and threatened by the agents of the companies aforesaid: And whereas it is indispensibly necessary that the peace of that part of the state should be preserved, and complete justice done to all parties interested, as speedily and effectually as possible: And whereas it hath been intimated to the Legislature, that from the present distracted and agitated state of the public mind between those conflicting claims in that part of the state, a fair and impartial trial cannot be obtained where so many persons are directly or indirectly interested in the event of the decision: And whereas the companies aforesaid, by their application to the Supreme Court of this commonwealth, for a mandamus to compel the Secretary of the Land-Office to complete their titles, did endeavour to put the question between them and this commonwealth fairly to issue before the judiciary: And whereas it is just and proper that the questions both of law and of fact, arising under the act aforesaid, should be fully, fairly and speedily heard and decided, and the validity of all those titles that have been issued under certain certificates of Justices of the Peace within the territory aforesaid, known by the name of prevention certificates, determined, as well for the direction of the officers of the Land-Office, on behalf of this commonwealth, as for settling the existing disputes between such grantees as have omitted or neglected to make the settlements, improvements and residence enjoined by the act aforesaid, and the persons actually in possession of the same lands, and claiming under the provisions of the same act: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That at some time and place (not exceeding three months from the first day of the month of April of the present year) as shall be most convenient to the Judges of the Supreme Court of this commonwealth, or the majority of them, it shall be the duty of the said Judges, and they are hereby enjoined and required to meet together and devise some method, either by means of a feigned issue or otherwise, as in their judgment shall seem best, of bringing before a court and jury, to be holden as herein after is directed, the following questions respecting the claims to land within that part of the territory of this state north and west of the rivers Ohio and Allegheny, and Conewango creek, to wit: Are warrants heretofore granted under the act of the third day of April, one thousand seven hundred and ninety-two, valid and effectual in law, against this commonwealth, so as to bar this commonwealth from granting the same land to other applicants under the act aforesaid, in cases where the warrantees have not fully and fairly complied with the conditions of settlement, improvement and residence required by the said act, at any time before the date of such warrants respectively, or within two years af-

The Judges of the Supreme Court to meet together within three months from the 1st of April, and devise a form of action for trying and determining certain proposed questions relative to disputed titles to lands N. and W. of the Ohio, Allegheny and Conewango creek;



ter? Are the titles that have issued from the Land-Office under the act aforesaid, whether by warrant or patent, good and effectual in law against this commonwealth, or any person claiming under the act aforesaid, in cases where such titles have issued on the authority, and have been grounded upon the certificates of two Justices of the Peace, usually called prevention certificates, without any other evidence being given of the nature and circumstances of such prevention, whereby, as is alleged, the conditions of settlement, improvement and residence required by the said act, could not be complied with? And so soon as the said Judges have devised the form in which the questions above stated, shall be brought to a hearing and decision before a court and jury as aforesaid, they shall transmit the same to the Governor of this commonwealth, whose duty it shall be, with the assistance of the Attorney-General of this commonwealth, to carry the same into effect without delay.

1802.

and transmit  
the same to  
the Govern-  
or, &c.

SECT. II. *Be it enacted by the authority aforesaid,* That for the purpose of hearing and deciding on the questions aforesaid, and the facts relating thereto, a jury shall be summoned according to the method to be appointed by the Judges aforesaid, consisting of the usual number of disinterested persons, inhabitants of the counties of Northumberland or Lycoming, which jury shall be summoned, impanelled and sworn, or affirmed, at the court-house at Sunbury, in the said county of Northumberland, at such time as to the said Judges, or a majority of them, shall be most convenient, provided the same be not deferred beyond the first Monday in December next, at which time and place the Judges of the Supreme Court aforesaid, or the majority of them, shall meet for the purpose of hearing and trying the questions aforesaid, and the facts relating thereto, in conjunction with the said jury, in the usual manner; at which trial and hearing it shall be competent to the said jury, under the constitutional direction of the court, to decide upon the law and upon the facts, and if they think fit, to bring in a general verdict thereon; and it shall also be competent to any person, party in the controversy, to offer evidence of the nature and circumstances of the prevention certificates aforesaid, and of the circumstances of the country at the time to which the said certificates relate, and also of every other fact tending to illustrate the questions aforesaid, or to induce a full investigation and fair decision thereon, which the court shall consider as evidence competent to be offered according to the usual rules of law.

In what  
manner said  
questions are  
to be decid-  
ed.

SECT. III. *Be it enacted by the authority aforesaid,* That it shall be the duty of the said Judges, at their meeting aforesaid, within three months from the first day of April next, to devise and direct in what manner and under what circumstances parties shall be admitted to the said suit, and what notice or notices shall be respectively given relating to the same; and they shall have power also to direct the Secretary of the Land-Office to attend at the said trial, with such books, papers and documents as they may think fit to specify, or he may deem material to be produced and consulted thereat; and it shall be the duty of the said Judges to certify the verdict of the jury and the judgment of the court on the trial aforesaid,

Of the ad-  
mission of  
parties to  
the suit, the  
notice neces-  
sary to be  
given, &c.

1802. to the Governor of this commonwealth, previous to the meeting of the next Legislature.

The Secretary of the Land-Office not to grant a new warrant for lands for which warrants have already been issued; what he is to do in such cases.

SECT. IV. And in order to prevent the confusion that would arise from issuing different warrants for the same land, and to prevent law suits in future respecting grants from the Land-Office under the aforesaid act of April the third, one thousand seven hundred and ninety-two, *Be it enacted by the authority aforesaid*, That from and after the passing of this act, the Secretary of the Land-Office shall not grant any new warrant for land which he has reason to believe hath been already taken up under a former warrant, but in all such cases he shall cause a duplicate copy of the application to be made, on which duplicate copy he shall write his name, with the day and year in which it was presented, and he shall file the original in his office, and deliver the copy to the party applying: *Provided always*, That on every application so to be made and filed, shall be certified on the oath or affirmation of one disinterested witness that the person making such application, or in whose behalf such application is made, is in actual possession of the land applied for, and such certificate shall mention also the time when such possession was taken, and the application so filed in the Secretary's office shall be entitled to the same force and effect, and the same priority in granting warrants to actual settlers, as though the warrants had been granted at the time when the applications were filed; and should the decision of the court and jury, at the trial aforesaid, be in favour of the claims of the actual settlers, the Secretary of the Land-Office shall proceed to grant the warrants, upon the purchase-money being paid, according to the priority of the applications filed in his office.

The Governor empowered to appoint counsel to assist the Attorney-General at said trial.

SECT. V. *Be it enacted by the authority aforesaid*, That it shall be lawful for the Governor of this commonwealth to appoint not more than two counsel, learned in the law, to assist the Attorney-General at the said trial, on the part of this commonwealth.

Passed 2d April, 1802.—Recorded in Law Book No. VIII. page 115.

## CHAPTER MMCLXXVIII.

*An ACT to empower the Trustees of Crawford county, to erect a suitable building for a seminary of learning in the town of Meadville.*

SECT. I. [TRUSTEES of seminary of learning at Meadville, appointed with powers to receive grants of real and personal property for the use thereof, and to sue for and recover the debts due to the same. 2. Before entering on the duties of their office to give bond, &c. 3. Empowered to purchase a lot, erect a house and employ a teacher for the use of said seminary. 4. To place the public monies in some productive fund, and to exhibit their accounts annually to the Grand Jury.]

Passed 2d April, 1802.—Recorded in Law Book No. VIII. page 98.



## CHAPTER MMCCLXXIX.

1802.

*An ACT to annex the township of Dunbar, in Fayette county, to the fourth election district.*

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the township of Dunbar, in the county of Fayette, shall be annexed to the fourth district; and the electors thereof shall hold their general elections at the school-house in Connelsville.

The township of Dunbar in Fayette county annexed to the fourth election district.

Passed 5th April, 1802.—Recorded in Law Book No. VIII. page 123.

## CHAPTER MMCCLXXXII.

*An ACT to enlarge the March and December terms in the Supreme Court.*

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the March and December terms in the Supreme Court of this commonwealth, shall respectively commence on the first Mondays of the said months; and the term of March shall continue three weeks; and the term of December shall continue four weeks; and the first and last days of the said terms respectively, shall be return days thereof.

The March and December terms in the Supreme Court enlarged.

Passed 5th April, 1802.—Recorded in Law Book No. VIII. page 120.

## CHAPTER MMCCLXXXIII.

*An ACT to authorize Marcus Hulings to erect a toll-bridge over French creek, opposite Turkey-street, in the town of Franklin.*

SECT. 1. [MARCUS HULINGS and his heirs authorized to build a bridge over French creek in the town of Franklin; and demand certain specified tolls. Proviso that the bridge shall not be erected on private property, without the owner's leave, nor so as to injure the navigation of the creek. 2. The time within which the bridge is to be built, limited, &c. 3. Penalty for not keeping said bridge in good repair, by inquisition, by a precept of a Justice, &c. and tolls to cease until the bridge be repaired.]

Passed 5th April, 1802.—Recorded in Law Book No. VIII. page 121.

## CHAPTER MMCCLXXXIV.

*An ACT to erect West-Hanover township, in the county of Dauphin, into a separate election district.*

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly*

1802. *met, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, the township of West-Han-*  
*over, in the county of Dauphin, shall be a separate election dis-*  
*trict; and the electors thereof shall hold their general elections at*  
*the house now occupied by Thomas Smith, near Green's mill, in*  
*said township.*

West-Han-  
 over township  
 in Dauphin  
 county erec-  
 ted into a se-  
 parate elec-  
 tion district.

Passed 5th April, 1802.—Recorded in Law Book No. VIII. page 120.

## CHAPTER MMCCLXXXVII.

*An ACT for laying out, making and keeping in repair, the public roads and highways within this commonwealth, and for laying out private roads.*

WHEREAS, the existing road law, which was passed the twenty-first day of March, in the year one thousand seven hundred and seventy-two, directs that the road tax shall be leyied on the clear yearly value of the property thereby made taxable, according to the estimate thereof made for the last county tax, assessed and levied in pursuance of an act for raising county rates and levies, passed the twentieth day of March, one thousand seven hundred and twenty-four and twenty-five: And whereas the act for raising county rates and levies, passed on the eleventh day of April, one thousand seven hundred and ninety-nine, establishes a mode of assessing county rates and levies different from that of the act last aforesaid, by which means it hath happened that Supervisors cannot lawfully assess and collect taxes adequate to laying out, improving and repairing the public roads or highways: Wherefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the Justices of the Court of Quarter Sessions of each county within this commonwealth, on being petitioned to grant a view for a public or private road, shall have power, and by virtue of this act are directed and required, as often as they find it needful, in open court, to order and appoint six discreet and reputable freeholders, of the inhabitants near where complaint is made for want of a private or public road or highway; and it shall be the duty of the freeholders so appointed, to view the ground proposed for the said road, and if they, or any five of them, view the said ground, and any four of the actual viewers agree that there is occasion for such road, they shall proceed to lay out the same, as agreeable to the desire of the petitioners as may be, having respect to the best ground for a road, and the shortest distance, in such a manner as to do the least injury to private property; and shall make report thereof, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the courses and distances, and references to the improvements through which it may pass, to the next Court of Quarter Sessions, and if then and there the Justices of the said court shall approve of the same, it shall, at the court next after that to which the report is made, be entered on re-*

Mode of pro-  
 ceeding to  
 obtain the  
 laying out of  
 public or pri-  
 vate roads.



cord, and thenceforth shall be taken, deemed and allowed, as the case may be, to be a lawful private or public road or highway; the court shall direct of what breadth the road shall be opened, which shall not in any case exceed fifty feet.

1802.

No road to exceed 50 feet in breadth.

Supervisors of the highway to be annually elected with in the several townships.

The existing supervisors to give notice of such election, and manner of conducting the same:

SECT. II. *And be it further enacted by the authority aforesaid,* That the citizens qualified to vote for members of the General Assembly, shall on the third Saturday of the month of March next, within their respective townships, and annually thereafter, elect by ballot, two freeholders or other inhabitants, qualified as aforesaid, who shall be supervisors of the public roads or highways for the ensuing year: and it shall be the duty of the supervisors then in office, in a summary way, before a Justice of the Peace, under the penalty of ten dollars, to be recovered for every neglect or refusal, ten days previous to the third Saturday in March, yearly and every year, to cause written or printed notices to be set up in at least five of the most public places within their respective townships, mentioning the time when and the place where the said election is to be held, which shall be opened between the hours of one and three o'clock in the afternoon, and kept open until six o'clock of the same day, except in the township of the Northern-Liberties, where the same shall be kept open until eight o'clock in the evening; and two reputable citizens of the township shall be chosen for Judges of the said election, who shall choose a clerk to assist them in recording and casting up the votes; the Judges shall declare the two highest in votes to be duly elected, and a certificate of the election, signed by the Judges, shall by them be forthwith delivered to the supervisors then in office, whose duty it shall be to deliver the said certificate into the office of the Clerk of the Court of Quarter Sessions, on or before the twenty-fifth day of March annually, and to inform the supervisors so chosen, of their having been elected and returned, who shall be the supervisors for the ensuing year; and if any supervisor or supervisors so elected, or who shall be appointed as herein after directed, being duly notified of his election or appointment as aforesaid, shall neglect or refuse to take upon him or themselves the said office, for every such neglect or refusal, he or they so neglecting or refusing, shall forfeit and pay any sum, at the discretion of the court, not exceeding fifty dollars, to be applied towards repairing the public roads or highways within the township in which such supervisor resides.

Penalty for refusing to serve.

SECT. III. *And be it further enacted by the authority aforesaid,* That if any supervisor or supervisors of the public roads and highways, so as aforesaid chosen, shall refuse, neglect, die or remove out of the township where any township shall have no supervisor, residing therein, it shall be the duty of the Justices of the Court of General Quarter Sessions, to appoint a successor or successors to supply the vacancy or vacancies; and such supervisor or supervisors so appointed, shall have and exercise the same powers and authorities, and be liable to the same penalties as the supervisors elected in pursuance of this act.

How temporary vacancies are to be supplied,

SECT. IV. *And be it further enacted by the authority aforesaid,* That at the election for choosing supervisors for each township respectively, the electors shall, and are hereby enjoined and required

How the accounts of supervisors going out of

1802. to elect by ballot, four capable and discreet freeholders or inhabitants, qualified to elect as aforesaid, whose duty it shall be to settle and adjust the accounts of the supervisor or supervisors whose time of holding the office is then about to expire, and the person or persons who have served the office of supervisor or supervisors the preceding year, shall on the twenty-fifth day of March yearly, or within ten days thereafter, produce fair and clear accounts of all such sums of money by him or them expended on the highways, and of all sums of money by him or them received by virtue of any assessment or otherwise, and of all fines and penalties due from themselves and others, which have come into his or their hands, which accounts shall be entered in a book provided for that purpose, and attested by him or them, on oath or affirmation, before a Justice of the Peace, if the freeholders, or any two of them, shall require the same; and the said freeholders or inhabitants, so chosen to settle the accounts aforesaid, or any three of them, shall have full power to adjust and settle such accounts so produced to them as aforesaid, and to allow such sums and charges as they think reasonable; and if there shall appear to be any money remaining in the hands of the person or persons who have served as supervisor or supervisors as aforesaid, they shall, by order in writing, signed by them, or any three of them, direct the same to be paid to the succeeding supervisor or supervisors; but in case such persons who shall have served as supervisor or supervisors, shall be found to be in advance for monies expended on the public roads, and shall have carefully collected the sums of money assessed and imposed by virtue of this act, then the said freeholders or inhabitants so chosen to settle the accounts as aforesaid, or any three of them, shall in like manner order the succeeding supervisor or supervisors to reimburse the same, as soon as a sufficient sum of money shall come into their hands; and if any person or persons who shall have served in the office of supervisor shall neglect or refuse to make up and produce fair and just accounts as aforesaid, or having made up and produced such accounts, shall neglect or refuse forthwith to pay the monies which he or they shall have been ordered to pay as aforesaid, or shall not give up the books wherein an account of such monies have been entered, to their successors, it shall be the duty of any Justice of the Peace, on complaint to him made by the said freeholders or inhabitants so chosen to settle the accounts aforesaid, or by any three of them, to commit such delinquent or delinquents to the county gaol until he or they shall comply as aforesaid, or be otherwise legally discharged.

*SECT. v. And be it further enacted by the authority aforesaid,* That it shall be the duty of the supervisors of public roads and highways of the respective townships in this commonwealth, to assess and levy a tax on all property, real and personal, and on all such professions, trades and occupations as are made taxable by the "Act for assessing county rates and levies," passed April the eleventh, one thousand seven hundred and ninety-nine, not exceeding half a cent in the dollar, on the real value of all such property, real and personal, and the estimation of the annual profits of all trades, professions and occupations made taxable by the aforesaid act; and in assessing and levying the aforesaid tax, the supervisors

office are to be settled

Where they are in arrear, to whom the monies in their hands are to be paid over;

and where in advance, how to be reimbursed;

mode of compelling obstinate or negligent supervisors to settle their accounts.

Supervisors of the respective townships to assess and levy a tax not to exceed half a cent in the dollar on the real value of property, &c.



shall take to their assistance the township assessor for the time being, whose duty it shall be to furnish a correct copy of the last valuation of property in said township, and to give his assistance in making the said assessment; and the amount of taxable property, trades, professions and occupations, shall be taken from the last return of taxable property made in the township for the last county tax, and apportioned on the inhabitants in proportion to the last corrected apportionment of the county taxes, put into the hands of the township collectors; and if any land or other property which might have been overlooked by, or concealed from the township assessor, in taking the return of taxable property for the assessment of county taxes, come to the knowledge of the supervisors, it shall be their duty, with the assistance of the township assessor, to tax the said property, whether real or personal, agreeable to a reasonable valuation; and it shall be the duty of the supervisors, either by themselves or by a proper person duly authorized by them, to collect the said tax, and in so doing, to call for it at the usual residence or place of abode of the inhabitants, if it is not otherwise paid; and if a collector is appointed, the supervisors shall be accountable for the faithful collection of the tax: *Provided always*, That it shall be the duty of the said supervisors first to call upon the inhabitants of their respective townships, by advertisement or otherwise, who are taxed as aforesaid, to attend at such times and places as they may direct, so as to give the said taxable inhabitants a full opportunity to work out their respective taxes, but upon their neglect or refusal so to do, then the said supervisors to proceed to collect the taxes as is otherwise directed by this act.

1802.

To take to their assistance the township assessor: His duty; how said tax is to be apportioned,

and collect- ed;

may be worked out.

SECT. VI. *And be it further enacted by the authority aforesaid*, That if any person so taxed, shall refuse or neglect to pay the same within twenty days after being called upon therefor, it shall be the duty of the supervisor or supervisors, to obtain a warrant from any Justice of the Peace of the county (who is hereby authorized and required to grant such warrant) and to levy upon the goods and chattels of the person or persons so refusing; and in case such person shall not within ten days after such levy is made, pay the sum or sums on him or her assessed, together with the charges of making such levy, that then the said supervisor or supervisors may proceed to sell the goods so levied on, and out of the monies arising from such sale, to pay the tax and all costs accruing, rendering to the owner the overplus, if any shall remain: *Provided nevertheless*, That if any person or persons shall find him, her or themselves aggrieved with such assessment, it shall be lawful for the Justices, at the Court of Quarter Sessions next after such levy being made, upon the petition of the party aggrieved, to take such order thereon, as to them shall be thought expedient, and the same shall conclude and bind all parties; and the supervisor or supervisors, in case of such appeal, shall forbear to make sale of the property so as aforesaid levied on, until the said appeal be determined in the Court of Quarter Sessions.

Mode of compelling the payment of the tax;

any person feeling himself aggrieved may appeal, &c.

SECT. VII. *And be it further enacted by the authority aforesaid*, That if the proportion of tax assessed on unseated lands in any township, or any part of it, is not paid to the supervisors, by or

Of proceedings where the tax on unseated

1802.

lands is not paid.

(Repealed, see note.)

The tenants of non-residents liable for the tax, but may deduct it out of their rent ;

but contracts between landlord and tenant not to be impaired.

Of opening and repairing the highways, procuring materials, &amp;c.

The supervisors may enter on lands adjoining the highways and cut or open drains for carrying off the water, &amp;c.

for the owners of said lands, within six days after the supervisors have proceeded to collect the tax from the inhabitants, it shall be the duty of the supervisors to make out a fair transcript of the amount of the tax remaining unpaid and due on the several tracts of unseated lands within their respective townships, to which transcript the supervisors shall sign their names, and they shall deliver the same to the commissioners of the county, and on the receipt of the said transcript, the county commissioners shall give unto the supervisors an order on the county treasurer for the amount of the taxes remaining due on the unseated lands in their township, [which order shall be paid out of the county taxes forthwith ;] and the county commissioners aforesaid are hereby directed and required, on the receipt of the transcript aforesaid, to proceed to recover the taxes due on unseated lands for public roads and highways, in the same manner, and with the same authority as the county taxes are or shall be by law directed to be recovered, and shall cause the proceeds of the same to be paid to the county treasurer, to reimburse the money paid to the supervisors of the roads and highways.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the tenant or tenants, or other persons residing on lands owned by persons not residing in the township, his, her or their goods, shall be liable to be levied on in manner aforesaid, for the payment of said taxes ; and where any tenant or tenants shall have taken, or hereafter may take a lease of lands or tenements for one or more years, and of which the tenant shall be in possession at the time of assessing or levying the tax for public roads and highways, and shall pay the rate hereby imposed on the said lands or tenements so leased, in such case it shall be lawful for the tenant or tenants to deduct the tax out of the rent due, or to become due, or to recover the same from the owner or owners, by action of debt, with costs of suit : *Provided however,* That nothing herein contained shall be so construed as to impair or make void any contract between landlord and tenant, respecting the payment of the road tax.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the supervisors of the public roads or highways of the several townships within this commonwealth, shall have power, and they are hereby enjoined and required to hire and employ a sufficient number of hands to make, open and repair all the public roads within their respective townships, which by the Court of Quarter Sessions of the proper county, have been, or hereafter shall be declared public roads or highways, and to purchase wood and all other materials necessary for that purpose, to oversee and direct the labourers, and to take care that the said roads be forthwith effectually opened, cleared and amended.

SECT. X. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the supervisors aforesaid, or for any other person by order and direction of the supervisor or supervisors, to enter on any lands adjoining or lying near to the public road and highways within their respective townships, and to cut or open such drains or ditches through the same, as he or they shall judge necessary to carry off and drain the water from such roads, provided the same be done with as little injury as may be to the



owner of such lands ; which drains or ditches shall be kept open by the supervisors, if necessary for amending the said road, and shall not be stopped or injured by the owner of the land, or by any other person or persons, under the penalty of any sum not exceeding twenty nor less than four dollars, for every such offence, to be recovered on conviction thereof, before any Justice of the Peace of the proper county, with costs of suit. 1802.

Penalty for stopping or injuring such dams.

SECT. XI. *And be it further enacted by the authority aforesaid,* That the supervisors shall have full power and authority to enter upon any grounds adjoining or lying near the said public road or highway so to be opened, made or repaired within their respective townships, and to dig or cause to be dug, any gravel, sand or stones, or to gather any loose stones lying on the said lands, as he or they shall think necessary for the purposes aforesaid, provided that the same be done with as little damage as may be to the owners of such lands, and the said materials to carry off without let, hindrance or controul of the owners, he or they the said supervisor or supervisors, paying or tendering to the owner or owners so much money as they shall agree upon, for the same ; and if the supervisor or supervisors and the owners cannot agree on the price of the materials so wanted for making or repairing the roads as aforesaid, then and in every such case, so much money shall be paid by the said supervisors respectively, as any three freeholders of the township where such public road or highway doth lie, to be chosen by the parties, shall, or any two of them, estimate and adjudge to be the value of the materials so wanted for repairing the said roads in the respective townships aforesaid.

They may also enter for the purpose of digging gravel, &c. for the use of the roads ; but with as little damage as may be to the owner, and to pay him for the same :

how the value thereof to be ascertained where the parties cannot agree.

SECT. XII. *And be it further enacted by the authority aforesaid,* That all and every supervisor or supervisors of the highways, who shall refuse or neglect to do and perform his or their duty, as directed by this act (and for which penalties are not otherwise herein provided) shall be fined in any sum not less than four dollars, nor exceeding fifty dollars, to be recovered in a summary way, before any justice of the peace of the county, to be applied towards repairing the public roads and highways within the respective townships where such fines and penalties are incurred : *Provided however,* That if any supervisor or supervisors shall conceive himself or themselves aggrieved by the judgment of a justice of the peace, he or they may appeal, by petition, to the next Court of Quarter Sessions, who shall take such order thereon, as to them shall appear just and reasonable, and the same shall be conclusive.

Penalty on supervisor for neglecting to perform his duty ;

appeal allowed.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That if any person working on any road or highway, or being with him, shall ask money or reward, or shall by any means whatsoever, extort or endeavour to extort any money or other thing, of or from any person travelling upon any public road or highway, he shall for every such offence pay to the supervisor or supervisors of the said township, the sum of one dollar, to be recovered by the supervisors, or either of them, in a summary way, before any justice of the peace of the respective county, to be applied to the repair of the roads ; and in case any supervisor shall connive at any person so asking, demanding or contriving so to extort from travellers as aforesaid,

Penalty on persons working on the highway asking or extorting money, &c. from travellers.

1802. or shall himself extort or endeavour to extort money, drink, or other thing from travellers or any traveller as aforesaid, every such supervisor shall pay for every such offence, the sum of five dollars, to be recovered by any person who shall sue for the same, with costs of suit, the one half to the use of the prosecutor, and the other half to and for the repair of the roads within such township.

How individuals are to be compensated for damage sustained by reason of a public road passing through their land.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That if a public road or highway shall be carried through any land whereby the owner shall receive damage, the person who sustains such damage, may within one year, but not afterwards, make a representation, by petition, of the damage he has sustained, to the Court of Quarter Sessions, and the said court shall appoint six disinterested men to view and adjudge the amount of the damage (if any) sustained, and the said amount shall be paid, after being approved of by the court, by the treasurers of the respective counties out of the county stock: *Provided always,* That it shall be the duty of the viewers, in assessing damages, to take into consideration the advantages derived from such said road passing through the land of the complainant.

Penalty for committing nuisances on the highways.

SECT. XV. *And be it further enacted by the authority aforesaid,* That if any person or persons shall stop or obstruct any of the public roads or highways laid out agreeably to law, or shall commit any nuisance thereon, by felling trees, making fences, or by turning the road, or by any other way whereby the road or highway may suffer damage, and do not, on notice given by the supervisor of the proper township, remove the nuisance or repair the damage forthwith, such person or persons shall for every such offence, be fined in a sum not exceeding forty dollars, nor less than ten dollars, as the case may require, to be recovered before one of the nearest Justices of the Peace of the proper county, and to be applied to the removing of the said nuisances, or repairing the injury or damage which the road or highway may have so sustained, and the surplus (if any) to be applied to the repair of the roads in the respective townships: *Provided always,* That the same appeal shall be allowed to any person or persons fined as aforesaid, as is provided by the twelfth section of this act.

Roads laid out on the division line of two townships to be kept in repair at the joint expense of both.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That in cases where any road has been laid on the line which divides two townships, or may hereafter be so laid, the said road shall be made, amended or repaired, as the case may require, at the joint expense of both of the townships on whose division line the road is laid; and in case the supervisor or supervisors of one of the said townships shall neglect or refuse to join with and assist the supervisor or supervisors of the other township, in opening, amending or repairing any such road, such supervisor or supervisors so neglecting or refusing, shall be liable to the same penalties as if he or they had neglected or refused to open, amend or repair any public road or highway within his or their respective township, and the supervisor or supervisors of the other township, is hereby directed and required to open, amend and repair the said road, and to charge the aforesaid supervisor or supervisors so refusing and neglecting, with one half of the monies expended on such road, and



to recover the same by action of debt, to be brought against such <sup>1802.</sup> supervisor or supervisors so neglecting.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That upon application, by petition, of any person or persons, to the Court of Quarter Sessions, for a road from the plantation or dwelling house of such person or persons, to or from the public highway, or to any place of necessary public resort, the aforesaid justices shall, in open court, and not otherwise, order and direct a view of the place where the road is requested to be laid out, and a return thereof to be made in the same manner as is before directed in this act; and if such road is found to be necessary, the said Justices of the Court of Quarter Sessions shall further order and direct of what breadth the said road shall be, so as the same shall not exceed twenty-five feet, and such road shall be recorded by the court: *Provided however,* That the said road shall be opened and kept in repair by and at the expense of the person or persons at whose request the same was granted and laid out, and of such as have occasion to travel to and from their dwelling houses on the said road; and if it shall happen that such road shall be carried through any man's ground, the damage sustained thereby by the owner or owners, shall be valued in the manner before directed in this act, and paid for by the person or persons at whose request the road was granted and laid out, and of those who use the same as a common road to and from their own dwellings.

Of roads leading from the public highway to the habitations of individuals.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That if the owners of the improved land through which any such private road is laid out, or the owners of other land through which it is carried, are desirous to hang a swinging gate or gates upon such roads as are only granted for the use of one or more private families, it shall and may be lawful for the aforesaid court, on application, by petition to them made, to appoint six persons, in the manner herein before directed for laying out roads, to enquire and judge whether such gate or gates may without much inconveniency to the persons for whose use the road was granted, be hung on the same, and if the persons appointed to view the place, or any four of them, shall certify to the justices of the court aforesaid, that a gate or gates may be hung according to the prayer of the party, without much inconveniency to the person or persons using the road, the Justices shall order that a gate or gates may be hung thereon accordingly, and that the same shall be made and kept in repair by the owner of the said land, and made easy for the passage of persons using the said road.

Of hanging swinging gates on such roads as aforesaid.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That the several Courts of Quarter Sessions, in their respective counties, shall have authority, upon application, by petition to them made, to enquire of and to vacate any private or public road or highway, or any part of such road or highway which they shall judge to be useless, inconvenient and burthensome, and the said court shall proceed therein by views thereof, in like manner as they are authorized to do, and as is usually practised in laying out of public roads and highways; and the judgment of the Court of Quarter Sessions shall be effectual and conclusive in the premises,

Of vacating private or public roads that may be deemed useless.

1802.

if the same be not appealed from within six months from and after the giving of such judgment; the application aforesaid shall be made in writing, signed by the persons applying, and shall set forth in a clear and intelligible manner, the length, breadth, situation, and other circumstances of such road or highway, or of the part thereof which those applying desire to have laid aside and vacated as aforesaid, and such application shall be audibly read twice in open sessions, on the different days of the sessions whereat it was made; and no other or further proceeding shall be had thereon, but the same shall be adjourned till the next Court of Quarter Sessions, when the same shall again be openly and audibly read twice, on several days, before the court proceed thereon: *Provided always*, That nothing in this act shall be understood to give authority to any of the said Courts of Quarter Sessions, or to the Supreme Court, to vacate any lane, street or highway within the city of Philadelphia, or within any borough, town plot, or any town or village in this state, which hath been laid out by the late proprietaries, or by any other person or persons, and dedicated to public use, nor to vacate any cart-way laid out by order of court, nor any road or passage claimed by any person as his or her private right, and which cart-way, road-way or passage, is not repairable at the charge of the township or district, nor to rivers or streams of water.

Exception  
as to lanes,  
streets, &c.  
within any  
corporate  
town or cart-  
ways that  
may be  
claimed as  
private  
rights.

Of cause-  
ways and  
bridges.

Bridges over  
creeks that  
are division  
lines, how  
to be re-  
paired.

SECT. XX. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the supervisors, and they are hereby enjoined and required, in making and repairing the public roads or highways, to make and maintain sufficient causeways, of stone, or timber, or marshy or swampy grounds, and also make and maintain sufficient bridges over all small creeks and rivulets and deep gullies, where the same shall be necessary for the ease and safety of travellers; and where a small creek, over which a bridge may be necessary, happens to be a boundary or division line of two townships, the bridge shall be built and maintained by the supervisors of both townships respectively, at the equal expense of the said townships, in the same manner as is directed by this act with respect to the making and repairing of public roads and highways which may be the division line of townships.

Bridges over  
rivers, &c.  
crossing a  
highway to  
be erected at  
the expense  
of the coun-  
ty.

[SECT. XXI. *And be it further enacted by the authority aforesaid*, That where a river, creek or rivulet, over which it is necessary to erect a bridge, crosses a public road or highway, and the erecting of such bridge requires more expense than it is reasonable that one township, or two adjoining townships should bear, it shall be the duty of the Justices of the Court of Quarter Sessions, and they are hereby enjoined and required, on the representation of the supervisor or supervisors, or on the petition and at the request of a number of the inhabitants of the respective townships, to order a view, in the same manner as in the case of laying out roads and highways; and if on the report of the said view, it appears to the court, grand jury, and commissioners, that such a bridge is necessary, and would be too expensive for the township or townships to erect, it shall be entered on record, and it shall be the duty of the commissioners of the county to procure an estimate, as nearly as may be, of the money which will be necessary to erect such bridge, and the



commissioners of the county shall provide the same out of the county taxes, and proceed forthwith to have such bridge erected, by contract or otherwise, as shall seem to them most expedient ; and such bridge, when so erected, shall be inspected by six fit persons, appointed by the Justices of the Court of Quarter Sessions, agreeably to whose report it shall be approved or disapproved by the court, and if approved, the money shall be paid agreeably to contract, or damages in favour of the county awarded, according to the judgment of the court.

1802.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That in all cases wherein the Court of Quarter Sessions is authorized to grant a view for the purpose of laying out or vacating roads, or respecting bridges, the Justices of the Court of Quarter Sessions are hereby authorized and directed, on application to them made for that purpose, to grant a re-view of the same, at the expense of the parties applying: *Provided,* That application is made therefor at the next Court of Quarter Sessions after report has been made on the first view.

Reviews of roads and bridges to be granted, but must be applied for within a limited time.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That the township assessor shall receive from the supervisors, any sum not exceeding one dollar, for every day he shall be necessarily employed in assessing the tax directed by this act, and that the supervisors shall be allowed in the settlement of their accounts, any sum not exceeding one dollar respectively, for every day they shall be necessarily employed in discharging the duties of their office, except for collecting the road tax, for which they shall be allowed the amount of five cents out of every dollar they shall so collect or cause to be collected, and no more ; and the freeholders or other inhabitants who shall be directed to view public roads or highways, shall each of them, for every day they are necessarily employed in that service, receive from the county treasurer one dollar, on producing a certificate from the clerk of the Court of Quarter Sessions, that such service was performed by them ; the surveyor shall be found and paid by the persons applying for the view ; and the expense of views of private roads, and of reviews of private or public roads, shall be wholly paid by the parties applying for the same.

Compensation of township assessors, supervisors and road viewers.

SECT. XXIV. *And be it further enacted by the authority aforesaid,* That the supervisors within the respective townships, shall cause posts to be erected, where trees are not convenient, at the intersection of all public roads, with boards and an index-hand pointing to the direction of such road, on both sides whereof shall be inscribed, in legible characters, the name of the town, village or place to which such road leads, and the distance thereof in computed miles ; and any person or persons who shall wilfully injure, deface or destroy any such posts or index-boards, the person or persons so offending shall, on conviction thereof, before any Justice of the Peace of the proper county, forfeit and pay any sum not exceeding ten dollars, one half thereof to be paid to the informer or informers, and the other half to the supervisors of the respective townships wherein the offence shall be committed, to be appropriated to the repairs of the roads in such townships.

Direction posts to be erected where cross-roads intersect the highway,

[See note.]

1802.

All former  
road laws  
other than  
those re-  
specting  
turnpike  
roads, &c.  
&c. repealed.

**SECT. XXV.** *And be it further enacted by the authority aforesaid,* That all laws heretofore enacted for the laying out, opening, making, amending or repairing of public or private roads or highways, or for the making and repairing of bridges, other than turnpike roads and streets, roads, lanes, alleys and bridges, in the city of Philadelphia and other corporate towns, are hereby repealed and made void: *Provided always,* That nothing herein contained, shall be so construed as to interfere with any special provision heretofore made by law, respecting the county of Philadelphia. (x)

Passed 6th April, 1802.—Recorded in Law Book No. VIII. page 166.

(x) Supervisors of Chester and Lancaster counties to recover fines heretofore appropriated to the poor, and appropriate them to the repair of the highways. Act of 4th April, 1803, (chap. 2387, sect. 7.) So, of York county, by act of 6th Feb'y, 1804, (chap. 2413, sect. 18,) of Delaware, by act of 13th Feb'y, 1804, (chap. 2419, sect. 16,) of Dauphin, by act of 28th March, 1806, (chap. 2701, sect. 18,) of Franklin county, by act of 11th March, 1807, (chap. 2766, sect. 13,) of Bucks county, by act of 10th April, 1807, (chap. 2845, sect. 14,) of Oxford and Lower Dublin townships in the county of Philadelphia, by act of 11th April, 1807, (chap. 2852, sect. 17.)

And, by an act passed 20th Feb'y, 1804, (chap. 2422,) all fines, penalties and forfeitures, paid into the hands of the overseers of the poor, where there is no poor supported at the expense of the township, or where a surplus remains in their hands, after paying the expenses that may arise in the execution of their office, it shall be their duty, under the same penalty as is provided in other cases, to pay over such sums as remain unexpended in their hands at the settlement of their accounts to the supervisors of the highways, to be applied to the public roads in the respective townships, unless the township auditors shall judge it necessary, that the whole or part thereof be retained as a fund for the use of the poor.

By an act passed 3d April, 1804, (chap. 2508,) a mode of proceeding is directed to determine the expediency of opening public roads, streets, &c. within the Northern Liberties, and district of Southwark; and allowing compensation to the owners of the ground through which such road may pass; and prescribes the mode of determining such compensation, and by whom it shall be paid.

See also the act for the better regulation of the city of Philadelphia and the districts adjoining, &c. passed 25th March, 1805, (chap. 2569,) by which

the Quarter Sessions of Philadelphia county, are empowered to grant views of and for opening streets, &c. within the city; and the mode of compensation is prescribed, &c.

By an act passed 3d April, 1809, the several Courts of Quarter Sessions in their respective counties, shall, upon application to them being made, for the purpose of opening a new road, or of vacating or changing the route of an old road, proceed therein by views and reviews, in like manner as has been practised in laying out public roads or highways now in force; that in addition to the powers heretofore given to viewers, they shall be authorized when they lay out a new road, or change the route of an old road, to vacate the whole of the old road, or any part thereof, as circumstances may render the one or the other necessary; and make report of their proceedings in the same manner as is now done in cases of views and reviews: *Provided always,* That it shall not be lawful for any road, or part of a road vacated in pursuance of the provisions of this act, to be shut up or stopped, until the road or part of road so laid out to supply the place thereof, shall be actually opened.

Sect. 2. The viewers appointed in pursuance of the 14th section of the act in the text, to ascertain the damages sustained by individuals from public roads laid out through their lands, shall each of them, before they proceed to assess the said damages, take an oath or affirmation before some Judge, Alderman or Justice, justly and truly to value the same, and also to consider the advantage as well as disadvantage of the said road.

By an act passed 30th March, 1811, it shall be the duty of the commissioners of the respective counties, on receiving the transcripts of road taxes due on unseated lands, which the supervisors of the different townships are, by the existing laws required to furnish, to issue their order to the county treasurer for the amount thereof, and also immediately to transmit copies thereof



to the said Treasurer, who is hereby required to enter them in a book to be kept for that purpose; and it shall be the duty of the said Treasurer on receiving the said taxes, or any part thereof, and not before, to pay over the amount thereof to the supervisors, who shall respectively be entitled to the same: *Provided*, That no land shall be sold for road taxes until twelve months after the said transcripts have been delivered to the Treasurers aforesaid, and notice given in the manner prescribed by the second section of an act directing the mode of selling unseated lands for taxes, passed 3d April, 1804, (chap. 2503,) provided also that so much of the existing road laws as requires the Treasurers to pay the amount of road taxes due on unseated lands to the supervisors immediately on the orders of the commissioners being presented to them, be, and the same is hereby repealed. (See sect. 7, of the act in the text.)

Sect. 2. On petition of the inhabitants of any two adjoining counties to lay out a road on the lines which divide the said counties, the sessions of each county are empowered and required to appoint, respectively, three reputable freeholders from the neighbourhood where the road is requested; and the said six freeholders or any five of them shall proceed to view the said ground, and make report to the court of each county, respectively, in the manner prescribed by the first section of the act in the text; and if the said Justices, respectively, shall approve thereof, the same shall be confirmed and recorded agreeably to the provisions of the said act.

Sect. 3. On petition by the inhabitants of any two adjoining counties to erect a bridge over any creek or rivulet, being the line of the said counties, the sessions respectively, are empowered and required to appoint a view in the same manner as for laying out a road on county lines; and if on report of said viewers, it appears to the courts, grand jury and commissioners of the respective counties that such a bridge is necessary, and agreeably to the provision of the 21st section of the act in the text, the same shall be erected and kept in repair by the joint expense of both counties.

Sect. 4. In all cases where separate views and reports of roads, supposed to be on the dividing lines of counties, have been made under the authority of the respective sessions of the adjoining counties, and the said reports do not agree as to the line, then and in such cases, on petition of the supervisors of

the highways, or inhabitants of the said counties to the sessions of each county, it shall be the duty of the Justices, and they are hereby empowered and required to appoint viewers, and proceed in the same manner as is directed by the second section of this act, and when so confirmed shall be considered as on the county line, and be kept in repair at the joint expense of the adjoining townships: *Provided always*, That the viewers in such cases shall have power to vacate any part of the old road for which the new road is to be a substitute.

Sect. 5. If any supervisor or supervisors of any township shall after ten days notice, neglect or refuse to put up and keep in complete repair the index boards directed to be set up by the 24th section of the act in the text, every supervisor so offending and being thereof legally convicted by the oath or affirmation of one or more credible witness or witnesses, before any Justice of the Peace, or before the Court of Quarter Sessions of the said county, shall, respectively, pay a sum not exceeding ten dollars, in the discretion of the court before whom such conviction shall be had, to be applied and expended in keeping in repair the public highways in the townships respectively.

It was held in the year 1764, in the Supreme Court, that a review of a road, though not taken notice of in the act of Assembly, had always been granted, and was now become a matter of right. 1 *Dallas*, 11.

So, it was held in the Supreme Court, March, 1796, in the case of the road from *Strasburg*, in *Franklin* county, to *Black's Gap*, that a review of a road is a matter of right, but a re-review is merely in the discretion of the sessions. (MSS. Reports.)

And, in the case of the *Berlin* road; on a certiorari to remove all the proceedings respecting a road, from the town of *Berlin* to *Leidig's* mill; it appeared, that on a petition for the road to September sessions, 1800, viewers had been appointed, who returned to the December sessions following, a certain road, by courses and distances, for, and as a public road; that the court continued the return under advisement until February sessions, 1801, when a petition was presented for a review, which the court rejected, and confirmed the return. It was now said, that the review had been prayed for by persons who were not interested therein; but on examination of the duplicates of assessments, the assertion appeared to be unfounded.

The court now reversed the proceed-

1802.

ings, because the petition for the review by several of the inhabitants of *Southampton* and *Brother's Valley* townships had been duly filed, previous to the road's being confirmed. It has been long settled, that the review of a road is a matter of right.—*Somerset*, October, 1801, before *Yeates* and *Smith*, Justices, (MSS. Reports.)

(Reviewers are now expressly authorized by the 23d section of the act in the text.)

In *Chambers v. Furry*, *Dauphin*, May, 1792, before *M'Kean*, C. J. and *Yeates*, J. it was held, that the public is intitled to a right of passage in a highway; but the title to the soil, the stones, the wood and the grass growing thereon, still continue in the owner of the lands. The use of the ground is dedicated to the public for particular purposes only.

Return of the viewers of improved lands taken up by a public road, that the damages resulting to the owner are valued at £.45, is radically bad. The soil of improved lands converted into a public road, is not to be valued and paid out of the county stock, *Ferree v. Commissioners of Lancaster county*, Supreme Court, March, 1801, (MSS. Reports.)

The court will judge of a road from the record; the sessions should confirm the road most conducive to the public good. It would seem that the clause in the act of 6th April, 1802, that the improvements shall be noted, is only directory. Viewers returning the width of the road, is only surplusage. Road in *Aston* township, *Delaware* county. Supreme Court, March, 1807, (MSS. Reports.) *vide infra*.

No proceedings can be pursued under a repealed statute, though begun before the repeal, unless by a special clause in the repealing act. Therefore under the act in the text, proceedings under former laws thereby repealed, cannot be continued. *Hatfield* township road, *Montgomery* county, Supreme Court, March, 1807, (MSS. Reports.)

A *certiorari* to remove a road, must set out its beginning and ending, otherwise it will be quashed. Road in *East* and *Westnantmill* townships, *Chester* county. Supreme Court, December, 1807, (MSS. Reports.)

To make a bridge a county charge, it must appear by the report of the viewers, that five of them had viewed the place, and that such bridge was necessary. Bridge over *Wallenpaupac*, *Wayne* county. Supreme Court, December, 1807, (MSS. Reports.)

Confirmation of a road reversed, because the reviewers had not actually reviewed the road; and because one of the petitioners for the road had been

appointed a reviewer. Road in *Donegal* township, *Lancaster* county, Supreme Court, March, 1808. (MSS. Reports.)

No general rule can be laid down as to the definite points where a road shall begin and end, being stated in the petition, *id certum est, quod certum reddi potest*. A road leading from a certain house into a public road, may be confirmed as a private road, though the viewers have not reported that it was necessary as a private road; and the order of confirmation need not specify how it must be opened and kept in repair. Private road from *Kyle's* house, in *Mifflin* county, Supreme Court, July, 1808, (MSS. Reports.)

It is not necessary that an appointment of viewers to lay out a road, should state that they are "freeholders and inhabitants near where complaint is made for want of a road" although the act of Assembly requires that they should be so. The Supreme Court will presume that the Quarter Sessions have made the appointment according to law.

A reference to the improvements through which a projected road is to pass, need not be made in the report of viewers, &c. They may be shewn in the plot or draft. Where different courses and distances have been returned by different sets of men, the sessions are enabled on a view of the drafts and improvements laid down therein, to contrast them, and determine on the shortness of the distance, and injury to private property, which seems to be the object the Legislature had in view by this provision. The compensation to the individual comes before other viewers for their decision.

The sessions have power to order a re-review of a road, although the act of Assembly does not expressly authorize it. It is a second review directed for the information of the minds of the court.

If it appears by the report of the viewers, that a county commissioner attended the view, it is sufficient to shew that notice was given to the commissioners, agreeably to the standing order of the sessions. *Schuykill* falls road, 2 Binney, 250.

The act of 3d April, 1804, respecting streets, lanes and alleys in the Northern Liberties and Southwark alters and supplies the act in the text, that the same shall not be deemed highways before compensation is made to the owner of the ground.

Street in Southwark between the end of New Market-street and Budd-street. Supreme Court, Decem. 1804. (MSS. Reports.)



## CHAPTER MMCCLXXXVIII.

1802.

*An ACT to maintain the territorial rights of this State, and protect the property of persons holding lands under the same.*

[See chap. 1815, ante, page 209, and the notes thereto.]

WHEREAS, certain persons under the pretence of title derived either from the state of Connecticut, or from certain companies known by the names of the Connecticut Susquehanna company, and the Connecticut Delaware company, to a considerable extent of territory within this state, have by various improper practices long endeavoured to defeat the execution of the laws of this state, and to defame the titles of persons holding lands by grants from this state or the late proprietaries before the revolution; in order therefore, to counteract such practices, and to preserve the just rights of this state,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of May next, no conveyance to be made of any land within the counties of Luzerne, Lycoming and Wayne, shall be good or effectual to pass any right, title, estate, interest or claim whatever, either at law or in equity, unless the title to the land in such conveyance mentioned, is derived from this state, or the late proprietaries thereof, before the fourth of July, one thousand seven hundred and seventy six, and unless the said conveyance shall expressly refer to and recite the substance of the warrant, survey, patent or title under which the same is so derived from this state, or the late proprietaries thereof, before the said fourth of July, one thousand seven hundred and seventy six; and if any Judge or Justice shall take an acknowledgment or proof of, or any Recorder of deeds, or any other person, shall record any deed which shall not have been derived as aforesaid, he shall forfeit for every offence, the sum of two hundred dollars, which forfeiture shall be recoverable by action of debt, in any Court of Record in this state, the one half thereof to the use of the commonwealth, and the other half thereof to the person who shall sue for the same; and such acknowledgment and recording, shall be void and of no effect; and every such Recorder of deeds so offending, shall forfeit his office: *Provided always,* That nothing herein contained shall be so construed as to make valid any conveyance heretofore made, of any pretended title or claim to land under the colony or state of Connecticut, or either of the companies known by the names of the Connecticut Susquehanna, or the Connecticut Delaware company.

No conveyance of land within the counties of Luzerne, Lycoming and Wayne, shall pass any estate, where the title is not derived from this state or the proprietaries before the 4th of July, 1776.

Penalty on any Judge or Justice for receiving proof of, or recorder for recording a deed of a different description.

SECT. II. *And be it further enacted by the authority aforesaid,* That no person in any manner interested in the said pretended title or claim under the colony or state of Connecticut, or either of the said companies, shall sit as a Judge or serve as a juror in any cause, civil or criminal, wherein the said pretended claim or title shall or may, directly or indirectly, be brought into question; and if any Sheriff shall summon any person or persons, to serve as a juror or jurors, who are directly or indirectly concerned and interested in any Connecticut title, knowing him or them to be so concerned or interested, such Sheriff, on conviction thereof, shall be fined in any

No person interested in the Connecticut title to act as Judge or juror in any cause where said title may come in question, and fine on Sheriff summoning any such person as a juror.

1802.

The penalties or disabilities created by this act, except so far as relates to Judges, Sheriffs or jurors, not to extend to land or the claimants thereof within the seventeen townships of Luzerne, &c.

Any person selling or purchasing, or in any manner contracting for land under the Connecticut title or either of the land companies, to forfeit 200 dollars.

Proclamation to be issued by the Governor.

sum not exceeding five hundred dollars, to be recovered as other fines and forfeitures are recoverable by law.

SECT. III. *And be it further enacted by the authority aforesaid,* That none of the penalties or disabilities created by the present act, except so far as relates to Judges, Sheriffs or jurors, shall relate to land or the claimants of land within the seventeen townships of Luzerne county, or any of them, so far as concerns any act of theirs respecting lands within the said townships, which have been or may hereafter be duly submitted according to law, under the provisions of an act of the General Assembly of this commonwealth, passed on the fourth day of April, one thousand seven hundred and ninety-nine, entitled "An act offering compensation to Pennsylvania claimants of land within the seventeen townships in Luzerne county, and for other purposes therein mentioned," or any supplement thereto.

SECT. IV. *And be it further enacted by the authority aforesaid,* That any person who shall, from and after the first day of June next, bargain, sell or convey, or by any ways or means obtain, get or procure any pretended right or title, or make or take any promise, contract, grant or covenant, to have any right or title of any person or persons, in or to any lands, tenements, or hereditaments within this state, under the said pretended title from the state of Connecticut, or either of the said companies, shall forfeit the sum of two hundred dollars, which forfeiture shall be recoverable by action of debt, in any court of record in this commonwealth, the one half thereof to the use of the commonwealth, and the other half to the person who shall sue for the same; and such promise, contract, grant or covenant, is hereby declared to be utterly void and of no effect.

SECT. V. *And be it further enacted by the authority aforesaid,* That the Governor is hereby authorized and required to make known the contents of this law by proclamation, and to enjoin obedience thereto.

Passed 6th April, 1802.—Recorded in Law Book No. VIII. page 191.

## CHAPTER MMCLXXXIX.

[See chap. 2042, ante, pa. 362, and the notes thereto.]

*A further SUPPLEMENT to the act, entitled "An Act offering compensation to the Pennsylvania claimants of certain lands within the seventeen townships, in the county of Luzerne, and for other purposes therein mentioned," passed the fourth day of April, one thousand seven hundred and ninety-nine.*

Who shall have the benefit of the act to which this is a supplement and on what terms.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That all Pennsylvania claimants, whose titles originated prior to the decree at Trenton, entitled to land within the seventeen townships, who shall transmit their releases, and all Connecticut claimants intended to be embraced within the provisions of the act to which this act is a supplement, claiming land within the said seventeen townships, who shall submit their titles to the Secretary of the



Land-Office on or before the first day of August next, shall be entitled to all the benefits of the aforesaid act. 1802.

SECT. II. *And be it further enacted by the authority aforesaid,* That all applications of Connecticut claimants, actually transmitted and received at the Land-Office aforesaid, although after the time heretofore appointed by law for their being received, shall be acted upon by the commissioners, in like manner as if they had been received before the expiration of the time so limited and appointed.

SECT. III. Whereas, divers Connecticut claimants who have transmitted their applications to the Land-Office of Pennsylvania, to be received within the provisions of the act passed the fourth day of April, one thousand seven hundred and ninety-nine, have since sold their land, or part thereof, to other persons, *Be it therefore enacted by the authority aforesaid,* That such subsequent purchasers shall be admitted to the benefits of the said act, passed the fourth day of April, one thousand seven hundred and ninety-nine, in the same manner as their venders would have been entitled, without such purchasers being required to make any new application for that purpose; and all purchasers under process of law, of land claimed under the title of the Susquehanna company, within the said seventeen townships, already submitted by a former claim thereof, shall be equally entitled to the benefits of the said act of the fourth day of April, one thousand seven hundred and ninety-nine, as if such purchaser himself had submitted the same by his application to the Land-Office for that purpose.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the attorneys or agents duly authorized by such Connecticut claimants whose application has been or may be transmitted to the Land-Office or to the commissioners aforesaid, under the provisions of the act of the fourth day of April, one thousand seven hundred and ninety-nine, or this supplement thereto, where such claimants are infants, or residents of a distant part of this state, or reside out of this state, or are disabled by sickness or corporal infirmity, from attending the commissioners in person, may exhibit the title of such claimant, and take the oath of single title enjoined by the act of the fourth day of April, one thousand seven hundred and ninety-nine, in respect of the land so claimed, to the best of their knowledge and belief, and the same shall be equally valid as if done by the principals in person.

SECT. V. *And be it further enacted by the authority aforesaid,* That the commissioners aforesaid, or any of them, shall have power to summon before them any person or persons, and to administer oaths or affirmations generally, to any person appearing before them, touching the objects of the present act and the act to which this is a supplement; and any person swearing falsely in respect to any matter whereunto he shall be examined by the said commissioners, or any of them, and within the duties of their office, shall be subject to all the penalties by law annexed to the crime of wilful and corrupt perjury; but the power of the commissioners to summon and examine, upon oath or affirmation, any person whatsoever, shall be confined to the proper objects of their commission and the duties by law assigned to them.

Applications of Connecticut claimants transmitted and received at the Land-Office although after the time limited by law, shall be acted upon as if received within the prescribed period.

The vendees of such claimants to be admitted to the same benefits, under the aforesaid law, that their venders would have been entitled to, without new applications, &c.

In what instances such claimants may be represented by attorneys or agents.

The commissioners empowered to examine persons on oath, &c. who for swearing falsely shall incur the like penalties as are annexed to perjury.

1802.

To receive legal assistance from the Attorney-General when required in the execution of their office. Empowered to appoint one permanent clerk and such assistants as may be requisite. Clerk's compensation.

Commissioners to be reimbursed all reasonable costs incurred in transporting the books, &c. from one place to another and their travelling expenses to be borne.

What lands they are to survey, value and certify;

and where a Pennsylvania claimant refuses to release, what to be the consequence.

[See the act of 23d March, 1811, which supplies the parts between crochets.]

SECT. VI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Attorney-General of this commonwealth, to give his legal advice and opinion, without delay, on any question submitted to him by the said commissioners, or a majority of them, respecting the execution of their commission.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the said commissioners, or any of them who shall be engaged in the examination of titles of Connecticut claimants, shall be at liberty to employ one additional clerk permanently, and such occasional assistance as the business may absolutely require; provided no such clerk shall be paid more than two dollars per day for his services.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the commissioners, or any of them who may be employed in the examination of title as aforesaid, and may find it necessary to proceed in rotation through such of the seventeen townships where the Connecticut titles of the inhabitants thereof yet remain to be examined, shall be repaid all reasonable costs and charges expended in conveying from one township to another, the books, papers and documents belonging to the commission, and every other reasonable expense necessarily incurred in travelling from township to township.

SECT. IX. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners to survey, value, and certify, not merely such parts and portions of the tracts of land claimed under the title of the Susquehanna company, within the seventeen townships aforesaid, as have been or may be released to this commonwealth by the Pennsylvania claimants thereof, but the whole of each tract of land claimed by a Connecticut claimant, who shall establish his title thereto in the manner prescribed by the aforesaid act of April fourth, one thousand seven hundred and ninety-nine, whether released to this commonwealth or not; and if any Pennsylvania claimant of such land shall refuse or neglect to release the same to this commonwealth, under the provisions of the aforesaid act of April fourth, one thousand seven hundred and ninety-nine, on or before the first day of August next, such Pennsylvania claimant shall not hereafter be entitled to recover the same by any action, in any court whatever in this commonwealth, against the Connecticut claimant, in whose favour a certificate shall be granted by the said commissioners, for such land, or against any person claiming under such certificate, or any patent issued by virtue thereof; but the Pennsylvania claimant so refusing or neglecting to release such lands as aforesaid, shall be at liberty to institute a suit [in the Supreme Court of Pennsylvania,] against this commonwealth, which suit shall be tried and determined [at any Circuit Court of the Supreme Court,] in the county of Luzerne, [unless on special motion and reasonable cause shewn, the Judges of the Supreme Court shall think fit to direct the venue to be changed in any suit so instituted, which in such case shall be tried and determined at any Circuit Court of the Supreme Court, to be held either in the county of Northumberland or the county of Lycoming,] at which trial the said court and jury shall have power to award a just compensation for the land so taken from such Pennsylvania claimant



*Provided*, He shall in the course of the said trial, make it appear to the court and jury, that he is fully, fairly and exclusively entitled to such land under this commonwealth, except as against the person or persons claiming the same by virtue of a certificate or patent granted under the authority of this act; and upon such trial being determined in favour of the Pennsylvania claimant, the plaintiff in the said suit shall be entitled to receive, in current money of the United States, the full sum so awarded in his favour, together with costs of suit, on presenting to the Governor of this commonwealth a certificate of the verdict and judgment in such suit, and the costs thereof to be taxed in the usual manner, and certified by the Judges before whom the said trial was held, and by the clerk of the court, whereupon the Governor shall issue his warrant for the amount aforesaid, to the Treasurer of this commonwealth. 1802.

SECT. x. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the said commissioners to demand and receive, of and from each Connecticut settler and claimant applying for a certificate under the aforesaid act of April fourth, one thousand seven hundred and ninety-nine, or the present act, every deed and document of title under the Susquehanna company, relating to the lands required to be certified, which may be in the power or possession of such Connecticut settler or claimant previous to the issuing of any certificate for such lands, which deeds and documents shall be transmitted by the said commissioners to the secretary of the Land-Office, together with all other papers relating to the said commission, when required by the Governor.

Every Connecticut claimant applying for a certificate first to deliver up to the commissioners all title-papers which they are to transmit to the secretary of the Land-Office.

Passed 6th April, 1802.—Recorded in Law Book No. VIII. page 124.

## CHAPTER MMCCXC.

*An ACT for the more certain administration of Justice.*

WHEREAS, from sickness and other causes, the holding of the Courts of Justice of this commonwealth, at the regular terms, have been and may hereafter be prevented: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That no process, pleas, suits, actions or proceedings which have at any time been, now are, or hereafter shall be commenced, sued, brought, or depending before the Supreme Court, or any other court of this commonwealth, shall be discontinued or put without day, or so considered, by reason of the non-attendance of the Justices or Judges of the said courts, but shall stand good and effectual in law, to all intents and purposes, notwithstanding the non-attendance of any of the said Justices or Judges.

No process, suit, &c. brought or depending in the Supreme or any other Court within this state, shall be discontinued or abated on account of the non-attendance of the Justices or Judges thereof

Passed 6th April, 1802.—Recorded in Law Book No. VIII. page 182.

1802.

## CHAPTER MMCCXCIII.

*An ACT authorizing the sale of Provisions, Vegetables and Fruit, in the markets of any city, borough or corporate town within this commonwealth.*

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall and may be lawful for any person or persons, to sell or expose to sale, provisions, vegetables or fruit, in the markets of any city, borough, or corporate town within this commonwealth: Provided always, That such provisions, vegetables or fruit, shall not have been previously purchased within the limits of such city, borough, or corporate town; any law to the contrary notwithstanding.*

Any person may expose to sale provisions, &c. in the market of any city or corporate town, which shall not have been previously purchased within the same.

Passed 6th April, 1802.—Recorded in Law Book No. VIII. page 181.

## CHAPTER MMCCXCIV.

*An ACT to enable purchasers at Sheriffs' or Coroners' sales to obtain possession.*

WHEREAS, great inconveniences have been experienced from the unjust detention of lands and tenements sold by sheriffs under executions from the several courts of this commonwealth, the purchasers whereof have been obliged to bring ejectments, and to subject themselves to all the delays and expenses incident to law proceedings, to recover the possession from the person as whose property the same was originally sold, the desperate circumstances of whom usually preclude the possibility of obtaining damages or any other compensation whatever, for such unjust detention: For remedy whereof,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That where any lands or tenements shall hereafter be sold by the sheriff or coroner of any county, by virtue of any execution issued out of any court of record of this commonwealth, it shall be lawful for the purchaser or purchasers thereof, to give notice to the defendant or defendants, as whose property the same has been or may be sold, or to the person or persons being in possession of the same lands and tenements, under him or them, that the same premises have been sold, and to require him or them to surrender up the possession to the purchaser or purchasers thereof, within three months after the date of such notice: and if the defendant or defendants, or person or persons in possession under him or them, shall neglect or refuse to comply therewith in three months after such notice shall so as aforesaid have been given, it shall and may be lawful to and for such purchaser or purchasers, his or their heirs or assigns, to complain thereof to any two justices of the city, town or county where the premises are situate, and upon due proof made before*

[See chap. 645, vol. 1, pa. 370, and the notes thereto; and chap. 43, and 152, *ib.*, pa. 7, 57, and the notes thereto.]

The purchaser of lands, &c. at sheriff's sale to give notice thereof to the defendant or person in possession, requiring him to surrender up the same, and manner of proceeding to gain the possession where it is withheld for 3 months after such notice.



the said justices, that the said complainant or complainants had purchased the said lands or tenements at sheriff's or coroner's sale (of which the deed poll executed by the said sheriff or coroner, if duly acknowledged in the proper court, and certified under the seal of the same court, shall be conclusive evidence) and that the person or persons then in possession, is or are the defendant or defendants as whose property the same lands or tenements were sold, or came into possession thereof under him or them, and that the same person or persons so in possession, had notice of such sale three months previous to such complaint and application; then and in such case, it shall and may be lawful for the said justices to whom complaint shall be made as aforesaid, and they are hereby enjoined and required forthwith to issue their warrant, in nature of a summons, directed to the sheriff of the county, thereby commanding the said sheriff to summon a jury of twelve good and lawful men of his bailiwick, to appear before the said justices within four days next after issuing thereof, and also to summon the said defendant or defendants, as whose property the same premises were sold, or the person or persons in possession under him or them, at the same time to appear before them the said justices and the jury aforesaid, to shew cause, if any he or they has or have, why delivery of the possession of the same lands and tenements should not be forthwith made to such purchaser or purchasers, his or their heirs or assigns, and if upon hearing the parties, or in case of the non-appearance of the said defendant or defendants; as whose property the same premises had been sold, or other person or persons claiming or coming into possession under him or them, after being duly summoned as aforesaid, it shall appear to the said justices and jury, that the complainant or complainants, or the person or persons under whom they claim, was or were the purchaser or purchasers, at sheriff's or coroner's sale, of the lands and tenements in question, of which the sheriff's or coroner's deed-poll, duly acknowledged and certified under the seal of the proper court, shall, as aforesaid, be full and conclusive evidence, and that the person or persons in possession of the premises, was or were the defendant or defendants named in the execution under which the same premises were sold, or came into possession under such defendant or defendants, and that such defendant or defendants, or the person or persons in possession of the premises under him or them, had notice of such sale three months before such application to the said justices, then and in every such case, it shall and may be lawful for the said two justices to make a record of such finding by them the said justices and jury aforesaid, and the said jury shall assess such damages as they think right, against the said defendant or defendants, as whose property the same premises were sold, or other person or persons in possession under him or them, for the unjust detention of the premises, for which damages and reasonable costs, judgment shall be entered by the said justices, which judgment shall be final and conclusive to the parties, and upon which the said justices shall, and they are hereby enjoined and required to issue their warrant, under their hands and seals, directed to the sheriff of the county, commanding him forthwith to deliver to the said complainant or complainants, his or their heirs or assigns,

1802.

full possession of the said lands and tenements, and to levy the costs taxed by the justices, and damages so by the jury aforesaid assessed of the said defendant or defendants, or other person in possession as aforesaid; and no certiorari which may be issued to remove such proceedings, shall be a supersedeas, or have any effect to prevent or delay the execution aforesaid, or the delivery of the possession, agreeably thereto.

The mode of proceeding where the person in possession disclaims to hold under the defendant named in the execution by virtue whereof the sale was made,

SECT. II. *And be it further enacted by the authority aforesaid,* That if the person in possession of the premises shall make oath or affirmation before the said justices, that he hath not come into possession, and doth not claim to hold the same by, from, or under the defendant or defendants named in the execution by virtue whereof the same lands or tenements were sold, and that the title to the lands and tenements in question, is disputed and claimed by some person or persons (other than the defendant or defendants named in the execution under which the same were sold) whom he shall name, and if thereupon the person or persons so claiming, shall forthwith, or upon a summons immediately to be issued by the said justices, returnable within a reasonable time, not exceeding thirty days next following, appear before them, and on oath or affirmation, to be by the said justices administered, declare that he verily believes that he is legally entitled to the premises in dispute, and that he doth not claim the same by, from, or under the defendant or defendants as whose property the same were sold, but by a different title, and shall become bound, with one or more sufficient sureties, by recognizance, to the complainant or complainants, before the said justices, in a sum fully sufficient to cover and secure as well the value of the rents or mesne profits of the said lands or tenements, which may have accrued and which may be expected to accrue before the final decision of the said claim, as all costs and damages, conditioned to prosecute his claim with effect, at the next Court of Common Pleas to be held, for the county where the said lands and tenements shall be; and in case of failure to prosecute as aforesaid, to surrender up the said premises, and to pay to the said complainant or complainants, the full value of the rents or mesne profits of the premises accrued from the time of the purchase; then and in such case, but not otherwise, the said justices shall forbear to give the said judgment: *Provided always nevertheless,* That if the said claim shall not be prosecuted according to the intent and meaning of the said recognizance, it shall be forfeited to the use of the said complainant or complainants, and the justices aforesaid shall proceed to give judgment, and cause the lands and tenements aforesaid to be delivered up to the said complainant or complainants, in the manner herein before enjoined and directed.

Where a sale has been made in manner aforesaid of lands, &c. then under lease, the purchaser to stand in the place of the lessor and be entitled to

SECT. III. *And be it further enacted by the authority aforesaid,* That where any lands or tenements shall hereafter be sold by any sheriff or coroner as aforesaid, which shall be at the time of such sale, or at any time afterwards, held or possessed by any tenant or lessee, or person holding or claiming to hold the same under the defendant or defendants named in the execution by virtue whereof the same lands or tenements shall be sold by such sheriff or coroner, the purchaser or purchasers of the same lands or tenements shall



(after receiving the sheriff's or coroner's deed for the same) be considered as the landlord or landlords to such tenant or lessee, or person claiming to hold the same under the aforesaid defendant or defendants, and shall have the like remedies, by distress or otherwise, to recover any rents due subsequent to such sale, as the same defendant or defendants as whose property the same lands or tenements shall be so sold, might or could have, if no such sale should take place; and if after notice of such sale, the said tenant or lessee, or other person occupying the premises as aforesaid, shall pay any rent to the said defendant or defendants as whose property the same premises may have been or shall be sold as aforesaid, the said tenant or lessee, or other occupier as aforesaid, shall be liable to repay the same to the purchaser or purchasers aforesaid.

1802.

receive the  
rents, &c.

SECT. IV. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, every tenant or other person, who now is or hereafter shall be in possession of any lands or tenements which heretofore have been sold by or at a sheriff's or coroner's sale, shall within three months after demand for that purpose, made by recognizance duly acknowledged, give to the purchaser or purchasers thereof at sale, their assigns or legal representatives, being in possession of the sheriff's or coroner's deed, duly acknowledged, sufficient sureties, to be approved of by at least one of the associate judges of the proper county, for all the mesne profits or rents that shall or may probably accrue from the time of such demand until the final decision of any ejectment now pending, or which shall hereafter be sued out or brought for recovering, under and by virtue of such deed, the possession of any lands or tenements so as aforesaid sold; but if any such tenant or other person so as aforesaid in possession, shall for three months after demand so as aforesaid made, neglect or refuse to give sureties in manner aforesaid, then and in every such case, it shall and may be lawful for such purchaser or purchasers, to proceed by distress or otherwise, for the recovery of such mesne profits or rents, in the same manner in which landlords now may lawfully proceed for the recovery of any rents due: *Provided always,* That nothing in this section contained, shall be so construed as to impair any contract heretofore made between any landlord or tenant.

Tenants within three months after demand made to give security to purchasers for the mesne profits that may accrue pending the suit for recovering possession, and in case of refusal shall be liable to a distress, &c.

Proviso in favour of contracts heretofore made.

Passed 6th April, 1802.—Recorded in Law Book No. VIII. page 183.

#### ADDENDUM.

THE Editor was not aware, at the time of the insertion of *Hurst v. Hurst*, ante. page 332, of the determination by the Supreme Court of Pennsylvania, in the case of "*The Bank of North America v. Fitzsimmons*," which has been since reported in 3d Binney. In which case, it is decided—That a judgment not revived by *scire facias*, within five years from its date, ceases to be a lien upon real estate, as well against subsequent judgment creditors, as against subsequent purchasers.

# INDEX.

TO THE

## THIRD VOLUME.

### A

	Page
ABATEMENT. . . . .	30
Where the cause of action survives, a suit shall not abate by the death of either party ; and a scire facias may issue to substitute the executors or administrators.	529
No suit to abate by reason of the Judges, or Justices, at any court, not attending.	
ACADEMIES AND PUBLIC SCHOOLS. . . . . (See College.)	
A sum of money granted to the academy and free school of Bucks county ; and certain poor scholars to be taught <i>gratis</i> .	315
Act to afford relief to Pittsburgh academy.	316
Academy and public school, in the borough of York, incorporated and endowed.	354
An act for the relief of the Chambersburgh academy.	369
Trustees of Crawford county, authorized to erect a suitable building for a seminary of learning, in the town of Meadville.	510
ACCESSARIES. . . . .	41
Accessaries in felony, may be tried and punished, as for a misdemeanor, though the principal felons cannot be taken ; and in such case they shall be exempted from prosecution, as accessaries after the fact, in case the principal felons shall be afterwards taken and convicted.	
ACCOUNTS. . . . .	15
Act to provide a method of settling the public accounts of the commissioners and treasurers of the respective counties.	92
Auditors, annually to settle the accounts relative to the public landings and hay scales, in the Northern Liberties.	
ACKNOWLEDGMENT OF DEEDS. }	
Notaries public shall have power to receive the proof or acknowledgment of all instruments of writing relating to commerce or navigation, such as bills of sale, bottomries, mortgages and hypothecations of ships or vessels, charter-parties of affreightment, letters of attorney, and such other writings as have been usually proved or acknowledged before notaries within this commonwealth.	6
Sheriff's deeds of lands sold by process from the supreme court, may be acknowledged at nisi prius in the county where the lands lie ; and deeds of lands sold by virtue of writs of <i>testatum</i> may be acknowledged in the court of common pleas of the county where the sale is made.	31
So of sheriff's deeds, for lands sold by the sheriff's predecessor in office.	58
Acknowledgments and probates of deeds for lands in any part of the states, before an associate judge, declared valid.	31
Mayor and recorder of Philadelphia, master of the rolls, and justices of the peace, empowered to take proof or acknowledgment	



# INDEX.

535

Page

	ment of deeds, in the same manner as justices of the peace might do, under the acts of 28th May, 1715, and 18th March, 1775.	59
	Mayor and recorder of Philadelphia, empowered to take the proof, or acknowledgment of deeds for real estate in any part of the commonwealth.	392
ADAMS COUNTY.	Adams county erected 22d January, 1800.	404
	Election districts in.	449
ADMINISTRATION OF JUSTICE.	Act for the more certain administration of Justice.	529
ADMINISTRATORS.	Act to enable administrators to convey lands contracted for by intestate; and in what manner suits may be brought, by or against them, relative to such contracts.	66
	In what manner they may be discharged, on settlement of their accounts.	297
	—With the will annexed,—their authority to sell lands devised to be sold, under certain circumstances.	434
	—Their authority, in certain cases, to convey lands sold by the intestate administrator, by order of orphans' court.	499
ADULTERY.	On conviction of Adultery, the party to be punished by fine and imprisonment.	41
ALDEN, ROGER.	Roger Alden, authorized to erect a mill-dam on French creek.	449
ALLEGHENY COUNTY.	Trustees of Allegheny county, authorized to purchase a lot in Pittsburg, for the erection of public buildings, for the use of the county.	35
	Election districts in. 50, 96, 219, 282, 326, 371, 373-4, 416, 452, 492, 497	497
ALLEGHENY RIVER.	Allegheny river, and branches thereof, declared public highways.	320
	Benjamin Herr, authorized to erect a wing-dam and mill-dam on it.	353
ALIENS.	Aliens enabled to take real estate by devise or descent, and to hold and dispose of it; and to dispose of personal estate by testament or otherwise, but estates of alien enemies may be sequestered during war.	4
AMENDMENT TO THE CONSTITUTION OF U. S.	Amendment to the constitution of the United States, fixing the ratio of representation, ratified.	36
APPEAL.	An appeal lies from the acts and decisions of the several registers of wills, &c. provided the appeal be made within the term of two years; or in case of legal disability, within five years after disability removed.	58
APPRENTICE.	Supplement to the act for the regulation of apprentices; in case they abscond, they shall be liable for damages after coming of age. Assignment of, in what case, and how to be made.	385-6
ARMS.	Act to provide arms for the use of the commonwealth.	289
ARMSTRONG COUNTY.	Armstrong county erected 12th March, 1800.	421
	Election districts in.	495
ARNOLT, PETER.	Peter Arnolt, authorized to erect a mill-dam on the Ray's town branch of Juniata, near Bedford.	496
ARSON.	Punishment of, prescribed.	187
ARTOIS, PETER B. DE.	Peter Bonaventure De Artois;—such parts of his estate as escheated to the commonwealth, vested in the Roman catholic church of St. Mary, in Philadelphia, for the use of the poor of that society.	501
ATTORNEY GENERAL.	Attorney-general declared to be entitled to his usual fees, notwithstanding the salary given to him by a former law.	77

		Page.
AUCTION, AUCTIONEER. . . }	Licensed auctioneers, authorized to sell property, at any place within the city and liberties of Philadelphia. . .	4
	The governor authorized to appoint an auctioneer for the exclusive sale of horses, cattle and carriages, in Philadelphia. . .	379
AUDITORS. . . }	Auditors to be appointed for the settlement of the public accounts of the commissioners and treasurers of the respective counties, and their powers and duties prescribed. . .	15
	Auditors of Philadelphia, authorized to settle, annually, the public accounts relative to the public landings and hay scales, in the Northern Liberties. . .	92
B		
BANGOR CHURCH. . . }	Act in aid of Bangor church, in Lancaster county. . .	499
BANKS. . . . . }	Bank of Pennsylvania incorporated. . .	97
	Part of incorporating act repealed. . .	128
	Supplement to the incorporating act. . .	186
	Bank of North America, corporation of, revived. . .	359
	Governor authorized to discharge the debt due to the bank of Pennsylvania; and the bank authorized to purchase, and sell, certain stock. . .	502
BARREN-HILL CHURCH. . . }	Barren-hill church, to be conveyed to certain trustees. . .	468
BASTARDY. . . }	Bastards begotten out of the state, and born within; or begotten in one county, and born within another; the indictment and trial shall be in the county where the bastard is born. . .	41
	Of the concealment of the death of bastard children. . .	190
BEAR, CHRISTIAN. . . }	Christian Bear, authorized to erect a mill-dam on Swatara creek. . .	419
BEATLY, WILLIAM. . . }	William Beatly, authorized to erect a mill-dam on Juniata. . .	201
BEAVER COUNTY. . . }	Beaver county, erected 12th March, 1800. . .	421
BEAVER TOWN. . . }	Act for laying out the town of Beaver. . .	56
	Daniel Leets survey thereof confirmed. . .	90
	Erected into a borough. . .	495
	Five hundred acres of land appropriated for an academy in. . .	429
BEDFORD COUNTY. . . }	Certain lines of the county of Bedford, to be run and ascertained. . .	322
	Part of Bedford county annexed to the county of Franklin. . .	323
	Part of Bedford county, annexed to the county of Somerset. . .	415
	Election districts in. . . 69, 85, 88, 115, 123, 201, 282, 468, 487, 499, . . .	
BEDFORD, BOROUGHS. . . }	The town of Bedford erected into a borough. . .	202
BENEFIT OF CLERGY. . . }	Benefit of clergy abolished. . .	188
BERKS COUNTY. . . }	Act to ascertain part of the lines of Berks county. . .	227
	Election districts in. . . 50, 124, 295, 304, 326, 375, 487, . . .	
BOARD OF PROPERTY. . . }	Board of Property instituted. . .	2
BOROUGHS. . . }	Chester. . .	200
	Bedford. . .	202
	Huntingdon. . .	271
	Union Town. . .	275
	Sunbury. . .	286
	Greensburgh. . .	340
	West-Chester. . .	361
	Lebanon. . .	361
	Frankford. . .	418
	Canonsburgh. . .	489
	Beaver. . .	495
	Limits of the borough of Bristol, extended. . .	465



BRANDYWINE.	The governor authorized to incorporate a company to open a canal and lock navigation on the waters of Brandywine.	114
	Supplements to this act.	124, 199
BREAD.	Act to regulate the manner of selling loaf bread.	294
BRIDGES.	John Shropp, authorized to build a bridge over Lehigh, at Bethlehem.	75
	The governor authorized to incorporate a company to build a bridge over Susquehanna, at the blue rock.	119
	A bridge authorized to be built over Lehigh at Easton,	274
	William Wallace authorized to build a bridge over Raystown branch of Juniata.	193
	The governor authorized to incorporate a company to build a bridge over Lehigh, at the town of Northampton.	290
	Permanent bridge over Schuylkill, act for erection of.	312
	A certain lot of ground vested in the permanent bridge company.	362
	Supplement to the act authorizing Abraham Witmer, to build a bridge over Conestogoe.	335
	The governor authorized to incorporate a company for the erection of a bridge over Delaware, at Trenton.	336
	J. Canan authorized to erect a toll bridge over the Frankstown branch of Juniata.	339
	Commissioners of Northampton county, authorized to receive toll, for a limited time, at the bridge over Lehigh, near Easton.	415
	Isaac Meason, and Zachariah Connel, authorized to erect a toll bridge at Connelville, over Youghiogeny river.	436
	A bridge authorized to be built over little Juniata.	465
	Marcus Huling authorized to erect a toll bridge over French creek.	511
BRIGADE INSPECTOR.	The duties of the brigade inspector, with respect to the arms of the commonwealth, prescribed.	289
BRISTOL.	Fairs abolished in the borough of Bristol.	272
	Limits of the borough of, extended.	466
BUCKS COUNTY.	Election districts in.	127
BURYING GROUND.	A lot of ground vested in the fourth Presbyterian church of Philadelphia, for a burying ground.	437
	A lot of ground vested in the German reformed church of Philadelphia, for a burying ground.	460
	A lot of ground vested in the corporation of the city of Philadelphia, for a strangers burying ground.	419
BUTLER COUNTY.	Butler county, erected 12th March, 1800.	421
C		
CANAL.	Conewago canal company, incorporated.	112
	The governor to incorporate a company for opening a canal and lock navigation on the waters of Brandywine creek.	114
	Supplements to this act.	124, 199
	Delaware and Chesapeake canal company incorporated.	462
CANAN, JOHN.	John Canan authorized to erect a toll bridge over the Frankstown branch of Juniata.	339
CANONSBURG.	Canonsburg erected into a borough.	489
	College established at.	478
CARLISLE.	Supplement to the borough law of Carlisle.	177
CARROLL'S DELIGHT.	Act to ascertain the boundaries of Carroll's delight, repealed; and resurvey of it, provided for.	287
CAVEAT.	After determination on caveat, by the board of property, no patents to issue for six months; and the mode of issuing them prescribed.	74
	The operation of caveats limited to two years.	480

		Page
CENTRE COUNTY.	Centre county erected 13th February, 1800.	407
	Certain lines of, declared, and to be run, &c.	447
	Election districts in.	448, 469, 479, 494
	Prison of, where to be erected.	447
CHALLENGES.	To be allowed as heretofore.	190
CHARTERS.	Act against defacers of charters, how to be enforced.	356
CHESTER COUNTY.	Act for the erection of a poor-house in Chester county.	306
	Commissioners of, empowered to sell certain lots and purchase another for the use of the county.	419
	Act to ascertain part of the lines between Chester and Lancaster counties.	452
	Election districts in.	283, 327
CITY LOTS.	Act directing the sale of the remainder of the city lots, &c.	300
CLARK, WALTER.	Walter Clark and others, empowered to sell a certain lot of ground in Lewisburg, in Northumberland county, &c.	304
CLERGY, BENEFIT OF.	Benefit of clergy abolished.	188
CLERKS.	Clerks of Senate and House of Representatives, their yearly allowance established.	183
	Act to provide for the payment of the clerks in the land-office.	259
COCKOLAMUS CREEK.	Cockolamus creek declared a public highway.	123
CODORUS CREEK.	Codorus creek, York county, declared a public highway.	473
COHOCKSINK CREEK.	Cohocksink creek declared a public highway.	278
COLLEGES.	Act for the relief of Dickinson college.	219
	A college established at Canonsburg, Washington county.	478
	College of Philadelphia united to the University.	53
COMMISSIONERS OF COUNTIES.	Act to provide for the settling the public accounts of the commissioners and treasurers of the respective counties.	15
	County commissioners, how to be elected, and their duties.	392
CONECOCHEAGUE CREEK.	Certain parts of Conecocheague creek, declared a public highway.	127
CONEDOGWINET CREEK.	John Walker authorized to extend his mill-dam over it.	109, 195
	Jeremiah Rees and Samuel Fisher, authorized to erect a dam on it.	199
	Oliver Pollock and Henry Neff, authorized to erect a dam on it.	266
CONESTOGOE RIVER.	Martin Nissley, authorized to erect a dam on it.	274
	Abraham Witmer authorized to erect a new bridge over it.	335
CONEWAGO CREEK.	Conewago creek declared a public highway.	473
CONEWAGO FALLS.	Act to authorize Richard Keys and others, to lead off the waters of Susquehanna, at Conewago falls.	111
CONGRESS.	Act to provide for the election of representatives in congress.	502-3
	of senators in	486
CONNECTICUT SETTLERS, AND CLAIMANTS.	Act to prevent intrusions on lands within the counties of Northampton, Northumberland and Luzerne.	209
	(See Pennsylvania Claimants.)	
CONNEL, ZACHARIAH.	Zachariah Connel authorized to erect a toll bridge over Youghiogeny, at Connelsville.	436
CONSTABLES.	Act for the appointment and regulation of constables in the Northern-Liberties.	305
	in the district of Southwark.	357



# INDEX.

539

Page  
356

In what manner the election of constables shall be notified.

CONSTITUTION OF UNITED STATES.	Amendment to the constitution, fixing the ratio of representation, ratified.	36
CONTRACT.	Contracts with deceased persons for lands, how to be enforced by, or against executors or administrators.	66
	Contracts with persons afterwards becoming <i>non compotes</i> , how to be enforced.	129, 30
CONVICTS.	In what cases to be removed to the penitentiary of Philadelphia.	189
CORONERS' SALES.	Act to enable purchasers at sheriffs' and coroners' sales to obtain possession.	530
CORPORATIONS. (See Turnpike— College.)	General act for the incorporation of certain associations of citizens for literary, religious or charitable purposes. Company for promoting the cultivation of vines. Four Protestant evangelical reformed congregations, in Northampton, Pennsylvania, and Sussex, New Jersey.—Trustees of, to sell certain lots, and appropriate the proceeds, &c. First and third Presbyterian churches of Philadelphia, charter of, annulled. Corporation of society for relief of poor masters of ships, &c. act for, amended. Aggregate corporation for the relief of widows and children of clergymen of the Protestant episcopal church in the United States. Supplement to the act to incorporate the society for the relief of distressed pilots, &c. General assembly of the Presbyterian church incorporated. Protestant episcopal church of St. John, West-Calm township, Chester county. Presbyterian congregation of Lower Mount Bethel, in Northampton county.—Trustees of, authorized to sell the parsonage, &c. and purchase a more convenient lot for same use. Act to supply certain defects in the acts incorporating the city of Philadelphia, and sundry towns and boroughs. Burgesses otherwise qualified to hear and determine, &c. not to be disqualified by reason of interest as members of the corporation. No freeman of any corporation to be disqualified as a witness by reason of his interest in the corporation. Magdalen society incorporated.	20 95 199 269 280 288 306 360 370 384 390 391 390 495
COSTS.	Costs on outlawry, how to be paid. . . . on ignoramus bills, to be paid by the county, and county to pay the costs on unfounded charges. Persons confined for costs of prosecution, intitled to be discharged under the insolvent laws. Expenses of removing prisoners for trial, from one county to another, how to be paid. Costs of prosecution, on conviction, how to be paid. . . . on acquittal, to be paid by the county.	40 43 43 44 44 281
COUNTIES.	Lycoming county, erected 13th April, 1795. Somerset county, erected 17th April, 1795. Greene county, erected 9th February, 1796. Wayne county, erected 21st March, 1798. Adams county, erected 23d January, 1800. Centre county, erected 13th February, 1800. Beaver Butler Mercer Crawford Erie Warren Venango Armstrong	220 229 262 316 404 407    } counties, erected 12th March, 1800.
		421

	Page
COUNTERFEITING. Punishment of counterfeiting, or uttering counterfeit notes, &c. prescribed.	187
COUNTY RATES } Act to raise and collect county rates and levies.	392
AND LEVIES. }	
COURTS. . . . :	
Courts established in conformity to the amendments and alterations in the constitution.	28
Supreme court and common pleas, authorized to supply defects in titles to lands, &c. lost or defaced.	87
Libels of shipbuilders, &c. to be sustained in the common pleas.	89
Time of holding and continuing the supreme court; and the last, as well as the first day of each term, made a return day.	245
Salaries of the judges of the supreme court, and presidents of the common pleas, increased.	271, 329
Power of the courts to compel the production of books and papers.	303
Act for the continuance of the quarter sessions, in Philadelphia.	358
Act to enable the judges of the supreme court, to hold circuit courts.	358
Provision for removing the courts of justice in case of a contagious disease in the city of Philadelphia.	379, 437
March and December terms in supreme court, enlarged.	511
Suits not to abate or discontinue, by reason of the non-attendance of the judges at any court.	529
CRAWFORD } Crawford county erected 12th March, 1800.	421
COUNTY. . } Trustees of Crawford county, empowered to erect a suitable building for a seminary of learning, at Meadville.	510
	465
CUMBERLAND } Election districts in.	50, 77, 224, 284, 491
COUNTY. . . }	
D	
DAUPHIN COUN- } Harris's ferry, vested in trustees for the use of Dauphin county.	109
TY. . . . . }	
	197, 207, 304, 375, 450
DEAN, ROBERT. Robert Dean and Joseph Smith, authorized to erect a wing dam on the Frankstown branch of Juniata.	280
DEBTORS. . . . }	
(See Insolvent Debtors.) . . . }	
	78-9
DEEDS. . . . .	
Deeds may be acknowledged before an associate judge.	31
Sheriffs' deeds, of lands sold by process of the supreme court, or under testatum executions, how to be acknowledged.	31
Sheriffs' deeds may be acknowledged in the county where the lands lie.	58
Mayor and recorder, master of the rolls, and justices of the peace, may take acknowledgments of deeds, in the same manner justices of the peace could formerly do.	59
Mayor and recorder of Philadelphia may take proof or acknowledgment of deeds for lands in any part of the state.	392
Deeds lost or defaced, &c. how to be supplied by the supreme court and common pleas.	87
DEFACERS OF } Act against defacers of charters, how to be enforced.	356
CHARTERS. }	
DELAWARE } Election districts in.	185
COUNTY. . . }	
RIVER . . . . .	
Bridge to be built over Delaware river, at Easton.	200
. . . . . at, or near Trenton.	336
STATE OF. . . . .	
Certain papers and records in the land-office, directed to be delivered over to the agent of the state of Delaware.	462



# I N D E X.

541

Page

DEVISE. . . . .	Lands devised to be sold, power of executors, and administrators with the will annexed, in certain cases, provided, to effectuate the intent of the will.	433
DICKINSON COLLEGE. . . . .	} Act for the relief of Dickinson college.	219
DISCONTINUANCE. . . . .	} No suit to be discontinued by reason of the non-attendance of the judges at any court.	529
DONATION LANDS. . . . .	} Mode of indemnifying persons, whose donation lands fell in the state of New-York.	110
	Act relative to donation lands.	233
	Act to extend the period for making application for.	383
	Supplement to the act directing distribution of, and provision for claimants whose lands fell in New-York.	467
	Act to complete the benevolent intention of the legislature, by distributing the donation lands to all intitled thereto.	505
DOWER. . . . .	Devise to wife, declared to be in lieu of dower, unless, &c.	300
DUNKARD CREEK. . . . .	} Dunkard creek declared a public highway.	369
E		
EASTON. . . . .	Bridge to be erected over Delaware, at Easton.	200
EJECTMENT. . . . .	Sheriff directed to serve declarations in ejectment.	59
ELECTIONS, GENERAL. . . . .	} Act to regulate the trial of contested elections.	45
	} Supplement to this act.	91
. . . . . OF PRESIDENT AND VICE-PRESIDENT.	Act to regulate the general elections.	340
	Manner, time and place of choosing electors of president and vice-president of the United States, &c. prescribed.	485
. . . . . OF SENATORS.	} Time, place and manner of choosing senators in the congress of the United States prescribed.	486
. . . . . OF REPRESENTATIVES IN CONGRESS.	} Act to provide for the election of representatives in congress.	502
ELECTION DISTRICTS. . . . .	} Adams county.	449
	} Allegheny county.	50, 96, 219, 282, 326, 371, 373-4
	} Armstrong county.	495
	} Bedford county.	69, 85, 88, 115, 123, 201, 282, 468, 487, 499
	} Berks county.	50, 124, 295, 304, 326, 375, 487
	} Bucks county.	127
	} Centre county.	448, 469, 479, 494
	} Chester county.	283, 327
	} Crawford county.	465
	} Cumberland county.	50, 77, 224, 284, 491
	} Dauphin county.	197, 207, 304, 375
	} Delaware county.	185
	} Fayette county.	371, 373, 443, 511
	} Franklin county.	120, 283, 416
	} Germantown township to choose an additional inspector.	418
	} Greene county.	283, 372-3
	} Huntingdon county.	194, 283, 326, 337, 375, 444
	} Lancaster county.	65, 223, 291, 372, 472, 501
	} Lycoming county.	282, 469
	} Luzerne county.	64, 141, 198, 328, 380, 442, 493
	} Mercer county.	475, 493
	} Mifflin county.	23, 202, 328, 371, 469
	} Montgomery county.	292, 372, 479
	} Northampton county.	5, 121, 284, 291, 372, 380, 478, 491, 499
	} Northumberland county.	23, 50, 223, 284, 327, 373, 446
	} Philadelphia, divided into wards, each to choose one additional inspector.	412

	Page
Philadelphia, election districts.	374-5, 450
Northern-Liberties of.	202, 206
to choose four inspectors.	418
District of Southwark, Moyamensing and Passyunk.	281
to choose four inspectors.	418
Somerset county.	282, 314, 448, 478, 488
Venango county.	465
Warren county.	465
Washington county.	22, 76, 128, 208, 328, 381, 443, 480
Westmoreland county.	50, 65, 196, 465, 492
York county.	453, 489
ELLIOTT, BEN- } Benjamin Elliott authorized to erect a wing dam on the Franks- JAMIN. . . . . }	town branch of Juniata. . . . . 198
ERIE. . . . .	Act to provide for laying out the town of Erie. . . . . 233
	Supplement to this act. . . . . 411
	Act for the sale of the reserved tracts adjoining the town. . . . . 381
COUNTY OF.	Erie county, erected 12th March, 1800. . . . . 421
ERNST, CHRIS- } Christopher Ernst, and S. Sherer, authorized to establish a ferry TOPHER. . . . . }	over Swatara, near Hummelstown. . . . . 269
ERROR. . . . .	Writs of error, to be brought within seven years, &c. . . . . 34
ESCHEAT. . . . .	Supplement to the act to regulate escheats, relative to the de- vise and descent of lands to aliens. . . . . 4
ESTATES TAIL.	Act to facilitate the barring of estates tail. . . . . 338
EVIDENCE. . . . .	Concealment of the death of bastard children, not conclusive evidence of murder. . . . . 191
EXECUTION. . . . .	Purchasers at sheriffs' and coroners' sales, enabled to obtain possession. . . . . 530
EXECUTIVE DE- } Secretary of the commonwealth, to enter the minutes and pro- PARTMENT. . . . . }	ceedings thereof in proper books, &c. and to make an index thereof to a certain period. . . . . 82
	Act for vesting the powers formerly vested in the supreme ex- ecutive council, in the governor, unless otherwise vested by law. . . . . 185
EXECUTORS. . . . .	Act to enable executors to convey lands contracted for with their decedents, and to recover the money. . . . . 66
	Power of, to bring actions, &c. where lands are devised to be sold, and where they have a naked authority only. . . . . 67
	In what manner they may be sued on contracts by the testator, on sales of real estates, &c. . . . . 67
	In what manner they may settle their accounts and be dis- charged. . . . . 297
	Power of surviving, or acting excutors, to sell lands devised to be sold, under certain circumstances. . . . . 433
	Their authority, in certain cases, to convey lands sold by their decedents under orders of the orphans' court. . . . . 499
EXCISE DUTIES.	All laws relating to the excise duties, repealed. . . . . 37
F	
FAIRS. . . . .	Fairs in the borough of Bristol, abolished. . . . . 272
	Fairs authorized to be held in the borough of Sunbury. . . . . 479
FEES. . . . .	Act to establish an explicit fee-bill. . . . . 249
	Fees of inspector of flour, and by whom to be paid; and how to be charged on sale of the flour. . . . . 313
	Fees of the inspector of staves and heading, increased. . . . . 314, 435
	Fees in the surveyor-general's office regulated. . . . . 378
FELONY. . . . .	Accessaries in felony may be indicted and punished though the principal felon be not taken; and in such case they shall be ex- empted from prosecution, as accessaries after the fact, in case the principal felons shall be afterwards taken and convicted. . . . . 41



Page

See the act for the better preventing of crimes, and for abolishing the punishment of death in certain cases. 186

FENCES. . . . . A certain act for regulation of fences, &c. repealed so far as it relates to the county of Northumberland. 417

FERRIES. . . . . William Harris and Joseph M'Clelland, authorized to establish a ferry on Juniata, at Mifflin town. 269  
 Christopher Ernst and Samuel Sherer, authorized to establish a ferry on Swatara, near Hummel's town. 269  
 Thomas Whitaker, authorized to establish a ferry on the Franks-town branch of Juniata, at Huntingdon. 270  
 David Watts and Matthias Flam, authorized to establish a ferry on Susquehanna, near the mouth of Juniata. 358

FIKE. . . . . Act to prevent the damage which may happen by firing of woods and marshes. 139  
 Corporation of Philadelphia, authorized to oblige the owners of houses to provide fire buckets. 245  
 Corporation of Philadelphia authorized to prevent the erection of wooden buildings in certain parts of the city. 246

FISHER, SAMUEL. Samuel Fisher, and Jeremiah Rees, authorized to erect a mill-dam on Conodogwinet creek. 199

FISHERIES. . . . . Act to regulate the fisheries in the river Schuylkill. 115  
 Act to prevent the erection of fish dams in Schuylkill, Susquehanna, Juniata, and their branches. 376  
 Fisheries in Juniata and its branches regulated. 445

FISHING CREEK. Fishing creek, in Northumberland county, and one of its branches, declared public highways. 384  
 Fishing creek in Lycoming county. 279

FLAM, MATTHIAS. Matthias Flam, and David Watts, authorized to establish a ferry on Susquehanna. 358

FLOUR. . . . . Act for the inspection of flour in the western counties. 52  
 Supplements to the act to prevent the exportation of unmerchantable flour. 248, 313  
 Rye flour and of Indian corn, how to be packed, branded and inspected. 437

FORCIBLE ENTRY. Act against forcible entry, how to be enforced. 356

FORGERY. . . . . Forging, and uttering forged bank notes, how punished. 188

FRANKFORD. . . . . The village of Frankford erected into a borough. 418  
 Frankford creek declared a public highway. 338

FRANKLIN COUNTY. Certain parts of Bedford county, annexed to Franklin county. 323  
 Election districts in. 120, 283, 416

FRANKLIN, } Act to provide for the laying out the town of Franklin. 233  
 TOWN OF. } Two lots in the town of Franklin, ceded to the United States. 261  
 } Act for the sale of the reserved tracts adjoining the town. 381  
 } Supplement to the act for laying out the town of Franklin. 411

FRAUD. . . . . Frauds at elections, how punished. 350-1

FRAZER, PAUL. Paul Frazer, authorized to erect a mill-dam on Shearman's creek. 277

FRENCH CREEK. James Hulings, and Roger Alden, authorized to erect mill-dams on French creek, Crawford county. 448-9

## G

GAMING. . . . . Act for prevention of vice and immorality. 177

GARDNER, WIL- } William Gardner authorized to erect a mill dam over Youghiog-  
 LIAM. . . . . } leny river. 207

GERMAN TOWN. German town township authorized to choose an additional inspector at elections. 413

	Page
GOVERNOR OF THE COMMON-WEALTH. . . . .	185
GREENESBURG. - Greensburg erected into a borough. . . . .	340
GREENE COUNTY. Greene county erected 9th February, 1796. . . . .	262
Election districts in, . . . . .	283, 372-3
Power of the trustees of, transferred to the county commis- sioners. . . . .	407
Lines between Washington and Greene counties, altered. . . . .	480
GUNPOWDER. . . Act to provide for the inspection of gunpowder. . . . .	240
Supplement to this act. . . . .	498
H	
HABEAS CORPUS. The presidents, and associate judges of the common pleas, au- thorized to issue writs of habeas corpus. . . . .	30
HAMAKER, ADAM. Adam Hamaker authorized to erect a mill-dam on Swatara. . . . .	112
HARRIS'S FERRY. Harris's Ferry vested in trustees for the use of Dauphin county. . . . .	109
HARRIS, WIL- } William Harris and Joseph M'Clelland, authorized to establish a LIAM. . . . . } ferry on Juniata, at Mifflintown. . . . .	269
HAWGER, JOHN. John Hawger, authorized to erect a mill-dam on Penn's creek. . . . .	219
HAWKERS AND PEDLARS. Act for the regulation of Hawkers and Pedlars. . . . .	359
HEADING AND } Inspector of staves and heading to be appointed. . . . .	268
STAVES . . . . . } Fees of the inspector increased. . . . .	314
HEALTH LAWS. Board of health authorized to sell the Lazaretto, on State isl- and, &c. . . . .	457
Health laws amended, so far as respects vessels, &c. coming from any port of the state of Delaware. . . . .	481
HERR, BENJAMIN. Benjamin Herr, authorized to erect a wing dam on Allegheny river. . . . .	358
HIGH TREASON. Punishment of high treason altered and prescribed. . . . .	187
HOSPITAL. . . . Act to extend the benefits experienced from the Pennsylvania hospital; and to establish a lying-in and foundling hospital. . . . .	117
HULING, JAMES. James Huling, authorized to erect a mill dam on French creek. . . . .	448
HULING, MARCUS. Marcus Huling, authorized to erect a toll bridge on French creek. . . . .	511
HUNTINGDON } The boundary between Huntingdon and Mifflin counties ascer- COUNTY. . . . . } tained. . . . .	19, 65
Certain lines of the county of Huntingdon, to be run. . . . .	322
Certain lines between Huntingdon and Centre described, and to be run accordingly. . . . .	447
Election districts in. . . . .	194, 283, 326, 337, 375, 444
Town of. . . . .	271
I	
INCOMPATI- } Holding certain offices or appointments in this state, declared in- BILITY. . . . . } compatible with the holding or exercising offices or appoint- ments under the United States. . . . .	485
INDIAN CORN MEAL. How to be packed, branded and inspected, for exportation. . . . .	437
INDICTMENT. . . In what manner indictments may be removed into the supreme court. . . . .	30
INSOLVENT } Persons confined for costs of prosecution entitled to be dis- DEBTORS. . . . . } charged under the insolvent laws. . . . .	43
Persons not having resided in the state two years, how they may be discharged. . . . .	61



# INDEX.

545

	Page
Debtors in confinement under actions upon contract, may be discharged, though not charged in execution.	62
Debtors, whose debts exceed one hundred and fifty pounds may be discharged.	125
Ten days notice of application sufficient in supreme court.	}
<b>INSPECTOR OF FLOUR.</b>	
} Act regulating the inspection of flour in the western counties.	52
} Supplement to the laws for preventing the exportation of flour not merchantable.	248
} Supplement to the original act.	313
} Flour of rye and Indian corn to be inspected, &c.	438
<b>OF GUNPOWDER.</b> Act for the inspection of gunpowder.	240
<b>OF STAVES AND HEADING.</b>	
} Act for appointing an inspector of staves and heading.	268
} Fees of the inspector increased.	314
<b>INSPECTORS OF THE PRISON.</b>	
} Inspectors of the gaol and penitentiary house of Philadelphia, to be inspectors of the debtors apartment;—to attend weekly to make regulations;—salary of the keeper, how to be paid;—alterations to be made in the debtors apartment.	78, 9
} For the duties of the inspectors, see the acts for the better preventing of crimes, &c. and to continue in force the act to reform the penal laws, &c.	186, 246
<b>INSURANCE COMPANIES.</b>	
Insurance company of North America incorporated.	129
Insurance company of Pennsylvania incorporated.	140
Supplement to this act.	200
<b>INTESTATES.</b>	
Act for descent of intestates' real, and distribution of their personal estates.	143
Supplement to the intestate law.	296
Sale of intestates' lands, by order of orphans' court, and administrators dying before deed executed,—his executors or administrators authorized to convey.	499, 500
<b>INTRUSION.</b>	
Act to prevent intrusions on lands within the counties of Northampton, Northumberland and Luzerne.	209
Supplement to this act.	457
<b>ISLANDS.</b>	
Act for the sale of islands in Susquehanna river.	93
Any act repealing the provision made for the sale of the islands in Susquehanna, repealed.	494
<b>J</b>	
<b>JUDGMENT.</b>	
Power vested in prothonotaries, to sign judgments.	31
Liens of judgments on real estates, limited.	331
Judgments in supreme court to be confined to real estates in the proper county.	359
<b>JUDICIARY.</b>	
Courts established in conformity to the amendments and alterations in the constitution.	28
Appeals from the acts and decisions of registers of wills, to be allowed if made within two years.	58
Supreme court and common pleas authorized to supply defects in titles to real estate, lost or defaced, &c.	87
Libels in case of ships, for work and materials, &c. to be exhibited to the common pleas.	89
Times of holding and continuing supreme court, altered; and the last as well as the first day of every term made a return day.	245
Salaries of the judges of the supreme court, and presidents of the courts of common pleas, increased.	271, 329
Power vested in the courts, to compel the production of books and papers, &c.	303
Quarter sessions of the peace of the city of Philadelphia, act to enable it to continue during a longer period.	358
Act to enable the judges of the supreme court to hold circuit courts.	558

	Page
Provision for removing the courts of justice in case of a contagious disease in the city of Philadelphia.	379, 437
March and December terms in the supreme court enlarged.	511
No suit to be discontinued by reason of the non-attendance of the judges at any term.	529
<b>JUNIATA.</b>	
Little Juniata declared a public highway.	122
William Wallace, authorized to erect a bridge over the Rays-town branch of Juniata.	193
Benjamin Elliott, authorized to erect a wing-dam on the Franks town branch of Juniata.	198
William Beatty, authorized to erect a mill-dam on Juniata.	201
William Harris and Joseph M <sup>c</sup> Clelland, authorized to establish a ferry on Juniata, at Mifflin town.	269
Thomas Whitaker, authorized to establish a ferry on the Franks town branch of Juniata, at Huntingdon.	270
Robert Dean and Joseph Smith, authorized to erect a wing-dam on the Franks town branch of Juniata.	280
John Canan, authorized to erect a toll bridge over the Franks town branch of Juniata.	339
Act to prevent the erection of fish baskets, &c. in Juniata.	376
Fisheries regulated in Juniata and its branches.	445
A bridge authorized over little Juniata.	465
Peter Arnolt authorized to erect a mill-dam on the Rays town branch of Juniata, near Bedford.	496
<b>JUSTICES OF THE PEACE.</b>	
Justices to give receipts for laws, to be delivered over to their successors.	97
Supplement to the act to extend the powers of justices; and jurisdiction given in case of damages in certain trespasses.	354
Act regulating the office of justice of the peace—Not to act out of their districts—Nor keep tavern; nor hold their offices in any tavern.	490-1
<b>K</b>	
<b>KEYS, RICHARD.</b> Richard Keys, and others, authorized to lead off, and use the waters of Susquehanna, at Conewago falls.	111
<b>L</b>	
<b>LAMPS AND WATCH.</b>	
Lamps and watch established in certain parts of the Northern-Liberties.	10
in the borough of Lancaster.	75
<b>LANCASTER, BOROUGH.</b>	
Lamps and watch, established in the borough of Lancaster.	75
Lottery for paving the streets of the borough of Lancaster.	281
<b>LANCASTER COUNTY.</b>	
Act to establish a poor-house, &c. for the county of Lancaster.	306
Act to ascertain certain boundary lines between Chester and Lancaster counties.	452
Election districts in.	65, 223, 291, 372, 472, 501
<b>LAND MARKS.</b>	
Act against removing of land marks, how to be enforced.	356
<b>LAND-OFFICE.</b>	
Secretary of the land-office to grant citations, and appoint days of hearing before the board of property.	2
Unsatisfied warrants, how to be ascertained, &c. [and holders thereof, how to be compensated—repealed.]	63-4
Act for the sale of the vacant lands within this commonwealth.	70
Certain lands at Presq' Isle, reserved to the state.	74
Unsatisfied warrants, under the act of 21st December, 1784, may be located on any vacant lands.	75
So much of the laws, as allows interest on balances to individuals, in land-office, repealed.	93
Islands in the Susquehanna, act for the sale of.	93
Act to prevent the receiving any more applications, or issuing any more warrants, except in certain cases, for lands within this commonwealth.	184
No applications to be received for land, unless in cases of actual settlement.	193
Act to compensate David Meade and others.	267



# I N D E X.

547

Page

Act to provide for the resurvey of Carroll's delight.	287
Regulation of fees in the surveyor-general's office.	378
Provision to indemnify persons, whose lands fell within the state of New-York.	461
Operation of caveats limited.	480
Islands in Susquehanna, any prohibition of the sale of, repealed.	494
No new warrants to issue where warrants have already issued, north and west, &c.	510

<b>LAW\$.</b>	Act to provide for printing, publishing and distributing the laws of the commonwealth, and directing a proper index to be made of the minutes and proceedings of the executive department.	79
	Prothonotaries to deliver the laws to the justices, who shall sign a receipt therefor, to deliver them to their successors.	97
	Supplement to the act for distributing the laws of the United States, and of this commonwealth.	286
<b>LEBANON.</b>	The town of Lebanon erected into a borough.	361
<b>LEGISLATURE.</b>	Wages of the members of the legislature fixed.	26
	increased.	111
	Yearly allowance to the clerks and sergeants at arms.	183
<b>LEHIGH.</b>	John Shropp, authorized to build a bridge over Lehigh, at Bethlehem.	75
	Little Lehigh declared a public highway.	70
	Edward Shymer authorized to erect a mill-dam on the north side of Lehigh.	124
	A bridge to be built over Lehigh, at Easton.	274
	at the town of Northampton.	290
	A company to be incorporated to improve the navigation of Lehigh.	311
<b>LIBRARY.</b>	The Loganian library annexed to the Philadelphia library.	69
	Philadelphia library company authorized to increase the annual payment from the members of it.	220
<b>LIEN.</b>	Lien of persons employed in building ships, &c. how to be secured by libel, &c. in the common pleas.	89
	The lien of judgments on real estate, limited.	331
	The lien of judgments in the supreme court, to be confined to the proper county.	359
<b>LIMITATION.</b>	Act limiting the time during which judgment shall be a lien on real estates, and suits may be brought against the sureties of public officers.	331
	Limitation act repealed so far as relates to lands claimed under the Connecticut title.	421
	Limitation act, the time of operation of, suspended for three years.	435
<b>LOAN-OFFICE.</b>	Act to repeal the act establishing a loan-office for 500,000 dollars.	141
<b>LOTTERY.</b>	Lottery for paving the streets of Lancaster.	281
	A lottery for the purpose of erecting piers on Allegheny and Monongahela rivers, repealed.	451
	Lottery for building a bridge at Reading, repealed.	323
	Act to prevent the sale of lottery tickets.	60
<b>LUZERNE COUNTY.</b>	Act to prevent intrusions on lands in.	209
	Act to ascertain part of the lines of.	227
	Act to compensate David Meade and others, for lands in.	267
	Acts to compensate the Pennsylvania claimants.	362, 435
	Boundaries of, to be ascertained.	466
	Election districts in.	64, 141, 198, 328, 380, 442, 493
<b>LYCOMING COUNTY.</b>	} Lycoming county erected 13th April, 1795.	220
	} Certain lines between Lycoming and Centre counties to be run.	447
	} Boundaries to be run and marked.	466
	} Election districts in.	282, 469

		Page
M		
MAGDALEN SOCIETY.	Magdalen society in Philadelphia, incorporated.	495
MAIM.	Malicious maim defined, and punishment of prescribed.	188
MARKETS.	Extension of market, in High-street, Philadelphia, authorized.	197
	Act for the erection of a market house in the Northern Liberties, on Second-street continued, between Coates-street, and Poplar lane.	203
	A certain act for regulating the Philadelphia market, repealed.	470
	Any person may expose to sale provisions, vegetables or fruit, in the markets of any city or borough, which shall not have been previously purchased within the same.	530
MASKE, MANOR OF.	The claim of the commonwealth to the Manor of Maske, re-leased.	284
M'CLELLAND, JOSEPH.	Joseph M'Clelland and William Harris, authorized to establish a ferry on Juniata.	269
MEADE, DAVID.	Act to compensate David Meade and others.	267
MEADOWS.	Richmond Precinct, Northern Liberties.	10
	Tinicum township, Delaware county.	62
	Kingsessing, Philadelphia county.	208
	Darby township, Delaware county.	279
	Bristol Island.	314
	West side of Darby creek, Ridley township, Delaware county.	412
MEASON, ISAAC.	Isaac Meason, authorized to erect a toll bridge over Youghiogheny, at Connellsville.	436
MERCER COUNTY.	Mercer county, erected 12th March, 1800.	421
	Election districts in.	475, 493
MIFFLIN COUN- TY.	Boundary line between Mifflin and Huntingdon counties ascer- tained.	19, 65
	New trustees appointed for the county of Mifflin.	401
	Election districts in.	23, 202, 328, 371, 469
MILLER, JOHN.	John Miller, authorized to erect a dam on Swatara.	277
MONONGAHELA RIVER.	Andrew Pierce authorized to keep in repair a mill-dam on Mon- ongahela river, and to erect and keep a lock and canal in re- pair, near the dam.	115
	John Sherer authorized to erect a wing-dam on it.	491
MONTGOMERY COUNTY.	Election districts in.	292, 372, 479
MOYAMENSING TOWNSHIP.	At what place voters of, shall elect at elections.	281
MUD ISLAND.	Mud Island ceded to the United States.	223
MURDER.	Murder, distinguished into murder of the first, and murder of the second degree, and petit treason to be proceeded against as other murder; and the punishment of the said offences, re- spectively, prescribed.	187
N		
NAVIGATION.	A company to be incorporated to improve the navigation of the river Lehigh. (See "Canal.")	311
NEFF, HENRY.	Henry Neff authorized to erect a mill-dam on Conedogwinet.	266
NESHANOCK CREEK.	Neshanock creek declared a public highway.	450
NISSLEY, MARTIN.	Martin Nissley authorized to erect a mill-dam on Conestogoe.	274
NON COMPOS MENTIS.	Contracts with persons becoming non compos mentis, how to be carried into effect.	129-30
NORTHAMPTON COUNTY.	Act to prevent intrusions on lands in Northampton county.	209
	Act to ascertain part of the lines of Northampton county.	227
	Election districts in.	5, 121, 284, 291, 372, 380, 478, 491, 499



# INDEX.

549

	Page
NORTHERN LI- BERTIES. . . . .	10
} Act to establish a nightly watch, provide lamps, and support pumps, for public use, in certain parts thereof. . . . .	202
Divided into districts. . . . .	203
Act to erect a market-house in, on Second-street, continued. . . . .	224
Act for regulating streets, lanes and alleys in. . . . .	274
Act respecting the wharves and public landings in. . . . .	305
Act for the appointment and regulation of constables in. . . . .	420
Supplement to the act establishing the nightly watch, &c. . . . .	456
Supplement to the act regulating the streets, lanes and alleys in. . . . .	461
A public landing in, authorized to be sold. . . . .	206
Election districts in. . . . .	418
Authorized to choose four inspectors of the election. . . . .	
NORTHUMBER- LAND COUNTY. . . . .	209
} Act to prevent intrusions on lands in Northumberland county. . . . .	227
} Act to ascertain part of the lines of. . . . .	417
Fences in, a certain act regulating them in, so far repealed. . . . .	466
Certain lines thereof, to be run, &c. . . . .	446
Election districts in. . . . .	23, 50, 223, 284, 327, 373,
NOTARIES PUB- LIC. . . . .	6
} A competent number of notaries public to be appointed by the governor. . . . .	6
Authorized to administer oaths, incident to their office; to receive the proof, or acknowledgment of all instruments of writing relating to commerce or navigation, such as bills of sale, bottomries, mortgages and hypothecations of ships or vessels, charter-parties of affreightment, letters of attorney, and such other writings as have been usually proved or acknowledged before notaries within this commonwealth. . . . .	6
To keep registers of their official acts; to keep and use an official seal; and to take and subscribe a certain oath. . . . .	7
Governor to appoint two additional notaries in Philadelphia, &c. . . . .	325
O	
OATHS. . . . .	6
Notaries public empowered to administer certain oaths. . . . .	31
Prothonotaries and clerks of courts of record to administer oaths, &c. . . . .	
OFFICERS AND SOLDIERS. . . . .	293
} Act to provide for the settlement of the estates of deceased officers and soldiers of the Pennsylvania line. . . . .	
OHIO RIVER. . . . .	320
The Ohio river, and branches thereof, declared public highways. . . . .	
OUTLAWRY. . . . .	37
Proceedings in outlawry prescribed and regulated. . . . .	
OWEN, EVAN. . . . .	269
Evan Owen authorized to erect a wing-dam on the north side of the east branch of Susquehanna, in Northumberland and Luzerne counties. . . . .	
P	
PARTITION. . . . .	386
Act concerning writs of partition. . . . .	
PASSYUNK TOWNSHIP. . . . .	281
} Electors of Passyunk township, where to vote at elections. . . . .	
PATENTS. . . . .	2
In what form patents are to be granted; to be sealed with the great seal. . . . .	74
Not to issue for six months after determination of a caveat before the board of property, under the act of 1792. . . . .	
PEDLARS AND HAWKERS. . . . .	359
Act for the regulation of hawkers and pedlars. . . . .	
PENAL LAWS. . . . .	37-40
Proceedings in outlawry, prescribed and regulated. . . . .	40
Law against witchcraft, repealed. . . . .	41
Persons standing mute, how to be tried. . . . .	
Bastards begotten out of the state, and born within; or begotten in one county, and born in another; indictment and trial to be where the bastard is born. . . . .	
Punishment of adultery to be by fine and imprisonment. . . . .	
Accessaries and receivers of felons, how to be punished, though the principal felon be not taken. . . . .	
Restitution of stolen goods, how to be made. . . . .	

	Page
Goods suspected to be stolen, may be taken into the magistrate's custody, and proceedings therein regulated.	42
Costs on ignoramus bills to be paid by the county.	43
Persons confined for costs of prosecution intitled to the benefit of the insolvent laws.	43
County to pay costs on unfounded charges.	44
Expenses of removal of prisoners from one county to another for trial, how to be paid.	44
Costs of prosecution on conviction, how to be paid.	44-5
Inspectors of the prison, how appointed; their powers and duties.	177
Act for the prevention of vice and immorality.	186
Act for the better preventing of crimes, and abolishing the punishment of death in certain cases.	187, 190
Murder distinguished into murder of the first, and murder of the second degree, and petit treason to be proceeded against as other murders, and the punishment of these crimes respectively prescribed.	187
High treason, arson and rape, punishment of, prescribed.	187
Punishment of persons convicted of counterfeiting and uttering counterfeit gold or silver coin, or forging or uttering forged bank notes, prescribed.	187-8
Maim defined and punishment prescribed.	188
Voluntary and involuntary manslaughter, punishment prescribed.	188-9
Benefit of clergy abolished, and punishment in lieu thereof.	189
Convicts in any county (except for murder of the first degree) whose crimes were formerly punished with death, &c. to be removed to the gaol and penitentiary of Philadelphia, &c.	189, 190
The circumstances relating to such convicts, to be reported by the court to the inspectors, which reports are to be registered.	190
Punishment for committing an offence, heretofore capital, a second time.	190
Punishment on committing such an offence after escape or pardon.	190
Of offences previously committed, how to be punished.	190-1
Challenges to be as heretofore allowed, and trials to be had in the proper court.	246
Of the concealment of the death of bastard children, &c. such concealment not to be conclusive evidence of murder.	247
Act to continue in force the act to reform the penal laws.	247
The inspectors of the gaol empowered to provide necessaries for all prisoners, and to class them.	281
The inspectors empowered to clothe and employ convicts.	350
The authority heretofore given to punish convicts by whipping or close confinement, repealed, and another punishment substituted.	361
The power to appoint and remove the keeper of the gaol, to fix his salary, and to approve of the appointment of his deputies, vested in the inspectors.	361
The allowance of five <i>per cent.</i> on the manufactures of the convicts, to the keeper, repealed.	281
Costs on acquittals, to be paid by the county.	350
Perjury at elections how punished.	361
Penal laws made perpetual.	113
<b>PENN'S CREEK.</b> Simon Snyder, authorized to erect a mill-dam on it.	219
John Hawger, authorized to erect a mill-dam on it.	362, 435
<b>PENNSYLVANIA CLAIMANTS.</b> Acts offering compensation to Pennsylvania claimants of lands in Luzerne, &c.	525
Act to maintain the territorial rights of the state.	117
<b>PENNSYLVANIA HOSPITAL.</b> Act to extend the benefits experienced by the Pennsylvania Hospital, and to establish a lying-in and foundling hospital.	350
<b>PERJURY.</b> Perjury at elections, how punished.	187
<b>PETIT TREASON.</b> Petit treason to be proceeded against as other murders.	



	Page
PHILADELPHIA. Supplement to the act to incorporate the city of Philadelphia.	62
Incorporating act altered and amended.	272
Market in High-street, to be extended.	197
Corporation authorized to oblige the owners of houses to provide fire buckets.	245
to prevent the erection of wooden build-ings in certain parts of the city.	246
Part of the act regulating the streets, &c. repealed.	370
Act to supply sundry defects in the incorporating act.	390
Freemen of, may be witnesses, jurors, &c. notwithstanding their interest as members of the corporation; and court, or aldermen not to be disqualified by reason of such interest.	390-1
Divided into wards, each to choose an additional inspector.	412
Corporation authorized to enrol their public ordinances in the recorder's office of Philadelphia county.	417
A certain lot of ground vested in the corporation for the use of a strangers burying ground.	419
The manner of electing their treasurer, altered.	477
Election districts.	202, 206, 281, 374,-5, 450
PICKEL, RUDOLPH. Rudolph Pickel, authorized to erect a mill-dam on Swatara.	126
PIERCE, AN- } Andrew Pierce, authorized to keep in repair a mill-dam on Mo-	
DREW. . . } nongahela river, and to erect and keep in repair a lock and canal near the dam.	115
PINE CREEK. . . Pine creek declared a public highway.	315
POCO POCO CREEK. Poco Poco, or Big creek, declared a public highway.	70, 95
POLLOCK, OLIVER. Oliver Pollock, authorized to erect a mill-dam on Conodogwinet.	266
POOR. . . . . In pauper causes, inhabitants declared legal witnesses.	126
Act for the erection of poor houses in Chester and Lancaster counties.	306
PRESIDENT'S } The president's house (so called) in the city, directed to be	
HOUSE. . . } sold.	440
PRESIDENT AND VICE- } The manner, time and place of choosing a president and	
PRESIDENT OF THE } vice-president of the United States, directed.	483
UNITED STATES. . }	
PRISONERS. . . Provision for removing prisoners in the city from pestilential danger.	379
PROMISSORY } Particular form of promissory note devised, not liable to defal-	
NOTE. . . } cation.	278
PROPERTY, BOARD OF. Board of property, instituted.	2
PUBLIC AC- } Act to provide a mode of settling the public accounts of the com-	
COUNTS. . . } missioners and treasurers of the respective counties.	15
Q	
QUAKERS. . . . Certain lots vested in the society of.	22
Certain lands vested in trustees for the use of the society of Quakers.	199
R	
RAPE. . . . . Punishment of rape prescribed.	187
RATES AND LEVIES. Act to raise county rates and levies.	392
RECEIVERS OF } How receivers of felons may be punished, though the principal	
FELONS. . . } be not taken.	41
REES, JEREMIAH. Jeremiah Rees and Samuel Fisher, authorized to erect a dam on Conodogwinet creek.	199
REGISTER OF } Appeals from the acts and decisions of the registers of wills, al-	
WILLS. . . } lowed, if made within two years.	58

	Page
Registers to take bonds on granting letters of administration and condition thereof prescribed.	143
Certain duties enjoined on registers respecting the settlement of the estates of deceased officers and soldiers.	293
Bonds taken by the registers, to be in the name of the commonwealth.	300
RELIGIOUS SOCIETIES. . . . }	
Act to prevent the disturbance of religious societies, in Philadelphia, during divine service.	323
RENT. . . . .	
Powers of justices of the peace with respect to set-off in cases of rent, under a limited sum.	355
RESTITUTION OF STOLEN GOODS. How restitution of stolen goods shall be made.	41
RICHARDSON, JOSEPH. A yearly rent charge vested in Joseph Richardson's heirs.	56
ROADS, RIVERS AND HIGHWAYS. }	
Act to provide for opening and improving sundry navigable waters and roads.	24
Supplement to this act.	85
Little Lehigh, and Poco Poco, and Penns creek in Northampton and Northumberland counties, declared public highways.	70, 95
Money appropriated to improve certain roads.	119
Part of this act suspended.	176
Little Juniata and Standing Stone creeks, declared public highways.	122
Cochalamus creek declared a public highway.	123
Certain parts of Conococheague creek, declared a public highway.	127
A deviation in the road from Bedford to Pittsburg, which lies between Turtle creek and Pittsburg, authorized.	227
Spring creek and Tuscarora creek declared public highways.	266
Act for laying out and opening sundry roads.	271
Cohocksink creek declared a public highway.	278
Fishing creek Lycoming county, declared a public highway.	279
Pine creek, declared a public highway.	315
Ohio, Allegheny and certain branches thereof declared public highways.	320
Act to provide for copying the records of the several roads laid out, or which may be laid out in the county of Philadelphia.	320
Act to confirm that part of the road laid out from Philadelphia to York, &c. which lies between Fawkes' tavern and Westchester.	321
Frankford creek declared a public highway.	338
Dunkard creek declared a public highway.	369
Act for regulating the streets in certain parts of Philadelphia.	370
Act for laying out a road from Newbury in Lycoming, to the one hundred and one mile stone, &c.	375
Little Schuylkill declared a public highway.	378
Act for opening a road from Bald Eagle's nest to Le Boeuff.	380
Fishing creek, and one of its branches, in Northumberland county, declared public highways.	384
Supplement to the act for opening and establishing a road between the navigable waters of the Franks town branch of Juniata and Conemaugh.	385
Part of Shaver's creek declared a public highway.	410
Part of big Schuylkill declared a public highway.	416
Neshanock creek declared a public highway.	450
Susquehanna declared a highway to the Maryland line.	464
Codorus and Conewago creeks declared highways.	473
Ten mile creek declared a public highway.	490
Act for laying out and keeping in repair the public roads.	512
ROBINS, BRINT-NELL. . . . }	
Brintnell Robins, authorized to erect a dam on Youghiogheny.	267
ROCK FISH. . . . .	
Part of the act to prevent the destruction of rock fish, and oysters, repealed.	481
RYE FLOUR. . . . .	
How rye flour shall be packed, branded and inspected for exportation.	437



	S	
SALARIES.	Salary of the secretary of the commonwealth, fixed.	9
	of the officers of government, and pay of the legislature.	26
	Annual salaries to be paid quarter yearly.	77
	Salaries of the judges of the supreme court, presidents of the common pleas, and secretary of the commonwealth, increased.	271, 329
SCHUYLKILL.	Act to regulate the fisheries in Schuylkill.	115
	Act to incorporate a company for erecting a permanent bridge over it.	311
	Act to prevent fish-dams in.	376
	Little Schuylkill, declared a public highway.	378
	Big Schuylkill, declared a public highway.	416
SEALS.	Seals of the commonwealth, declared and established.	1
	The great and lesser seals, to what documents to be affixed.	1
	Patents to be issued under the great seal.	2
	Notaries Public, to keep and use an official seal.	7
SECRETARY OF THE COMMONWEALTH.	Certain duties enjoined on the secretary of the commonwealth.	8
	His salary fixed, and increased.	9, 271, 329
	Secretary of the commonwealth, to collate and correct the proof sheets of the laws, and make marginal notes;—to collect and distribute the laws of each session;—to cause a certain number to be bound in volumes, with an index to be made by him, and prefix to each volume a certificate that he has collated the laws with the original rolls;—and to make an index of certain records of the executive department.	79, 82
SECRETARY OF THE LAND-OFFICE.	Secretary of the land-office empowered to grant citations, and appoint days of hearing before the board of property.	2
SELTZER, CHRISTOPHER.	Christopher Seltzer, authorized to erect a ferry on Swatara.	10
SENATORS.	Time, place, and manner of choosing senators of the United States, prescribed.	486
SERJEANT AT ARMS.	Yearly allowance of serjeant at arms, established.	183
SETTLERS.	Actual settlers, rights of, under the act of 1792.	70
	Warrants, when to issue in favor of.	184
	No applications to be received for lands, unless in favour of actual settlers.	193
SHAVER'S CREEK.	Part of Shaver's creek, declared a public highway.	410
SHEARMAN'S CREEK.	Paul Frazer, authorized to erect a dam on Shearman's creek.	277
SHERER, JOHN.	John Sherer, authorized to erect a wing-dam on Monongahela.	491
SHERER, SAMUEL.	Samuel Sherer, and Christopher Ernst, authorized to establish a ferry on Swatara, at Hummel's town.	269
SHERIFFS.	Sheriffs enjoined to serve declarations in ejectment.	59
SHERIFFS' DEEDS.	Sheriffs' deeds for lands sold under executions from the supreme court, or under testatums, how to be acknowledged.	31
	Sheriffs' deeds may be acknowledged in the county where the lands lie.	58
SHERIFFS' SALES.	Act to enable purchasers at Sheriffs' sales, to obtain possession.	530
SHIP BUILDERS.	The lien of tradesmen, &c. employed in building and repairing ships, how secured.—The libel to be filed in the common pleas.	89
SHROPP, JOHN.	John Shropp, authorized to erect a bridge over Lehigh, at Bethlehem.	75
SHYMER, EDWARD.	Edward Shymer, authorized to erect a dam on the north side of Lehigh.	124

	Page.
SMITH, JOSEPH. Joseph Smith and Robert Dean, authorized to erect a wing-dam on the Franks town branch of Juniata.	280
JONATHAN BAYARD. Act for the relief of.	461
THOMAS } An island in Delaware, granted to Thomas and John Smith. AND JOHN. }	494
SNYDER, SIMON. Simon Snyder, authorized to erect a mill-dam on Penn's creek.	113
SOMERSET COUNTY. Somerset county, erected 17th April, 1795.	229
Certain lines thereof to be run and ascertained.	322
Part of Bedford county annexed to Somerset county.	415
Election districts in.	282, 314, 448, 478, 483
SOUTHWARK, DISTRICT OF. District of Southwark, incorporated.	130
Supplements to incorporating act.	206, 488
Act for the regulation and appointment of constables in.	357
The corporation enabled to enrol their public ordinances in the recorder's office of the county of Philadelphia.	417
Authorized to choose four inspectors for the general election.	418
Election district in.	281
SPEAKERS OF THE SENATE AND HOUSE OF REPRESENTATIVES. } Speakers of the senate and house of representatives, authorized to draw warrants for wages of members, pay of their officers, and for the incidental expenses of the respective houses.	3
SPRING CREEK. Part of Spring creek, declared a public highway.	266
STANDING STONE CREEK. Standing Stone creek, declared a public highway.	122
STAVES AND HEADING. Inspector of staves and heading to be appointed.	268
Fees of the inspector increased.	314
STOLEN GOODS. How restitution of stolen goods shall be made after conviction.	41
Goods suspected to be stolen, may be taken into the magistrate's custody, and proceedings thereon prescribed.	42
SUNBURY. . . . Sunbury, Northumberland county, borough of.	286
Fairs in.	479
SUPREME COURT. Salaries of the judges of the supreme court, increased.	271
(See "Courts"—"Judiciary.")	
SURETIES. . . . Limitation of time for bringing suits against sureties in official bonds.	333
SURVEYOR-GENERAL. } How deputy surveyors are to be appointed under the act DEPUTY-SURVEYOR. } of 1792, and their duties prescribed.	71, 3
Fees of surveyor-general, regulated.	378
SUSQUEHANNA RIVER. Act for the sale of islands in the river Susquehanna.	93
Any law preventing applications for them, repealed.	494
A company to be incorporated to build a bridge over it, at the Blue Rock.	119
Evan Owen authorized to erect a dam on the north side of the east branch.	269
David Watts and Matthias Flam, authorized to establish a ferry on it, near the mouth of Juniata.	358
Act to prevent the erection of fish baskets in.	376
Susquehanna declared a public highway to the Maryland line.	464
SWATARA CREEK. Christian Seltzer, authorized to establish a ferry on it.	10
Adam Hamaker, authorized to rebuild a dam over it.	112
James Wallace and Rudolph Pickel, authorized to erect a dam on it.	126
Christopher Ernst and Samuel Sherer, authorized to establish a ferry on it, near Hummel's town.	269
John Miller, authorized to erect a mill-dam on it.	277
Christian Bear, authorized to erect a mill-dam on it.	419



# I N D E X.

555

Page

## T

TAVERN KEEPERS. See the act for the prevention of vice and immorality.	177
TAXES. . . . . Act to raise county rates and levies.	392
TEN MILE CREEK. Ten mile creek, declared a public highway.	490
TILGHMAN, E. M. Act for the benefit of.	381
TIMBER TREES. Penalty for cutting of timber trees how to be recovered.	356
TOWNS. . . . . Act to provide for the laying out the towns of Erie, Franklin, Warren, and Waterford.	233
TREASURER. . . . . State treasurer enjoined to pay certain warrants drawn by the speakers of the senate and house of representatives.	3
. . . . . Act to provide for the settlement of the accounts of county treasurers.	15
TRESPASS. . . . . Power of justices of the peace and aldermen, in cases of trespass under twenty dollars.	354
TURNPIKES. . . . . Turnpike road act, from Philadelphia to Lancaster.	82
. . . . . Authority given to it, to increase the width of the road in certain cases.	232
. . . . . Supplements to the original act.	329, 470
. . . . . A certain act (the supplement) extended.	392
. . . . . Turnpike road act from Lancaster to Susquehanna, at Wright's ferry.	191
. . . . . Germantown and Perkiomen turnpike road act.	453
TUSCARORA CREEK. Tuscarora creek declared a public highway.	266

## U

UNION TOWN. . . . . Union Town, Fayette county, erected into a borough.	275
UNITED STATES. Amendment to the constitution of the United States, fixing a ratio of representation, ratified.	36
. . . . . Mud Island, ceded to the United States.	223
. . . . . Two lots in the town of Franklin, ceded to the United States.	261
. . . . . Manner, time and place of choosing a president and vice-president of the United States, directed.	483
. . . . . Offices and appointments under the United States, declared incompatible with certain offices and appointments under this state.	485
. . . . . Time, place and manner of choosing senators in the congress of the United States, prescribed.	486
. . . . . Act to provide for the election of representatives in the congress of the United States.	502-3
UNIVERSITY. . . . . College of Philadelphia, and the university, united.	53

## V

VENANGO COUNTY. Venango county erected 12th March, 1800.	421
. . . . . Election district in.	465
VICE AND IMMORALITY. Act for the prevention of vice and immorality.	177
VINES. . . . . A company to be incorporated, to promote the cultivation of vines.	95
. . . . . Act revived and amended.	417

## W

WALKER, JOHN. John Walker, authorized to erect a dam on Conedogwinet creek.	109
. . . . . empowered to extend the dam over it.	195
WALLACE, JAMES. James Wallace authorized to erect a mill-dam on Swatara.	126
. . . . . WIL- } William Wallace authorized to build a bridge over the Rays-	
. . . . . LIAM. } town branch of Juniata.	193
WARRANTS. . . . . Unsatisfied land warrants, how to be ascertained, &c. [and holders thereof, how to be compensated.—repealed.]	63-4
. . . . . Warrants under the act of 21st December, 1784, may be laid on any vacant lands, &c.	75

	Act to prevent the issuing of warrants, except in certain cases.	Page 184
	Secretary of the land-office, not to issue new warrants, where warrants have already issued for lands over the Ohio and Allegheny rivers, and Conewango creek.	510
WARREN COUNTY.	Warren county erected 12th March, 1800.	421
	Election districts in.	465
Town of.	Act to provide for laying out the town of Warren.	233
	Supplement to this act.	411
	Act for the sale of the reserved tracts adjoining the town of Warren.	381
WASHINGTON COUNTY.	Part of Green county, re-annexed to Washington county.	480
	Election districts in.	22, 76, 128, 208, 328, 381, 443, 480
WATERFORD, TOWN OF.	Act to provide for laying out the town of Waterford.	233
	Supplement to this act.	411
WATTS, DAVID.	David Watts, and Matthias Flam, authorized to establish a ferry over Susquehanna, near the mouth of Juniata.	358
WAYNE COUNTY.	Wayne county erected 21st March, 1798.	316
	Election district in.	443
WEST-CHESTER.	West-Chester erected into a borough.	361
WESTMORELAND COUNTY.	Supplement to the act to authorize the trustees of Westmoreland county, to purchase lands to build a court-house and prison, for the use of the county.	207
	Certain lines of, to be run and ascertained.	322
	Election districts in.	50, 65, 196, 465, 492
WHITAKER, THOMAS.	Thomas Whitaker authorized to establish a ferry on the Franks-town branch of Juniata, at Huntingdon.	270
WIKOFF, PETER.	Act for the relief of.	461
WITCHCRAFT.	Act against witchcraft, repealed.	40
WITMER, ABRAHAM.	Abraham Witmer authorized to erect a new bridge over Conestogoe.	335
WITNESS.	Inhabitants declared to be legal witnesses, in cases respecting the settlement of paupers.	126
	Freemen of the city of Philadelphia, or any corporation, not to be disqualified, by reason of their interest in the corporation.	390
WOODEN BUILDINGS.	Corporation of Philadelphia, authorized to prevent the erection of wooden buildings, in certain parts of the city.	246
WOODS.	Act to prevent damage by firing of woods.	139
YORK COUNTY.	Election districts in.	453, 489
	Town of.	An academy and public school in, incorporated and endowed.
YOUGHIOGENY RIVER.	William Gardner, authorized to erect a dam on it.	267
	Brintnel Robins, authorized to erect a dam on it.	267
	Isaac Meason and Zachariah Connel, authorized to erect a toll bridge over it.	436

















